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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SENG XIONG; THAO XIONG; LOR VANG;
and LUE VANG

Plaintiffs,

v.

**LAO PEOPLE'S DEMOCRATIC
REPUBLIC; PRESIDENT THONGLOUN
SISOULITHIS; PRIME MINISTER
SONXAI SIPHANDON; SOUANSAVAN
VI-GNAKET, MINISTER OF JUSTICE;
GENERAL CHANSAMONE
CHANYALATH, MINISTER OF
DEFENSE; LIEUTENANT
GENERAL VILAY LAKHAMFONG,
MINISTER OF PUBLIC SECURITY; DR.
YANG DAO**

Defendants

Case No. _____

**COMPLAINT FOR VIOLATION OF THE
ALIEN TORT CLAIMS ACT,
INJUNCTIVE RELIEF; DECLARATORY
RELIEF; ATTORNEYS FEES; REQUEST
FOR JURY TRIAL**

Plaintiffs Seng Xiong, Thao Xiong, Lor Vang, and Lue Vang hereby allege and state as follows:

**I.
JURISDICTION AND VENUE**

1. Jurisdiction in this Court is pursuant to 28 U.S.C section 1331 [Federal Question Jurisdiction] as these claims are based on federal law, 28 U.S.C 1350 [Alien Tort Claims Act].
2. Under the Alien Tort Claims Act, 28 U.S.C section 1350, Defendant may choose a venue in a court most convenient to Plaintiffs. Plaintiffs choose the Eastern District of Sacramento due to its proximity to their attorney Herman Franck, Esq.'s, Franck & Associates, Sacramento, California office.
3. Venue is further based on the fact that a substantial amount of the controversy occurrences and damages occurred in the Eastern District of California.

**II.
PARTIES**

4. Plaintiff SENG XIONG is an individual residing in Minneapolis, Minnesota, United States of America. Seng Xiong is an alien, and is not a citizen of the United States of America. He was born in Royal Laos, and was formerly a citizen of the Kingdom of Laos. Following the process of ending the Vietnam War, he fled Laos and arrived in Thailand, where he obtained refugee status and refugee visa, allowing him to come to the United States. He later obtained, and currently has a permanent resident visa for the United States.
5. Plaintiff THAO XIONG is an individual residing in Minneapolis, Minnesota, United States of America. Thao Xiong is an alien, and is not a citizen of the United States of

America. He was born in Royal Laos, and was formerly a citizen of the Kingdom of Laos. Following the process of ending the Vietnam War, he fled Laos and arrived in Thailand, where he obtained refugee status and refugee visa, allowing him to come to the United States. He later obtained, and currently has a permanent resident visa for the United States.

6. Plaintiff LOR VANG is an individual residing in Milwaukee, Wisconsin, United States of America. Lor Vang is an alien, and is not a citizen of the United States of America. He was born in Royal Laos, and was formerly a citizen of the Kingdom of Laos. Following the process of ending the Vietnam War, he fled Laos and arrived in Thailand, where he obtained refugee status and refugee visa, allowing him to come to the United States. He later obtained, and currently has a permanent resident visa for the United States.

7. Plaintiff LUE VANG is an individual residing in Fresno, CA, United States of America, within the Eastern District of California. Lue Vang is an alien, and is not a citizen of the United States of America. He was born in Royal Laos, and was formerly a citizen of the Kingdom of Laos. Following the process of ending the Vietnam War, he fled Laos and arrived in Thailand, where he obtained refugee status and refugee visa, allowing him to come to the United States. He later obtained, and currently has a permanent resident visa for the United States.

8. Defendant LAO PEOPLE'S DEMOCRATIC REPUBLIC [hereinafter after "Laos"] is a country in Southeast Asia.

9. Laos is sued herein because it conducted a policy to maim and terminate Hmong people. They further expanded the policy to grow into a practice whereby Hmong people were

1 routinely hunted, killed, raped, mutilated, tortured, poisoning the jungle and their
2 water/food supply.

3
4 10. Defendant PRESIDENT THONGLOUN SISOULITHIS is the current President of the
5 Lao People's Democratic Republic. See US CIA country report on Laos, Attached hereto
6 as Exhibit A, listing this defendant's position in the People's Democratic Republic of
7 Laos as of the current time.

8
9 11. Defendant SISOULITHIS is sued herein in his individual for conduct he did in the past,
10 and for which he is continuing to commit, pursuant to the power vested in him as
11 President of Laos.

12
13 12. Defendant PRIME MINISTER SONXAI SIPHANDON is the current Prime Minister of
14 the Lao People's Democratic Republic. See US CIA country report on Laos, Attached
15 hereto as Exhibit A, listing this defendant's position in the People's Democratic Republic
16 of Laos as of the current time.

17
18 13. Defendant SIPHANDON is sued herein in his individual for conduct he did in the past,
19 and for which he is continuing to commit, pursuant to the power vested in him as Prime
20 Minister of Laos.

21
22 14. Defendant SOUANSAVAN VI-GNAKET, Minister of Justice is the current Minister of
23 Justice of the Lao People's Democratic Republic. See US CIA country report on Laos,
24 Attached hereto as Exhibit A, listing this defendant's position in the People's Democratic
25 Republic of Laos as of the current time.

1 15. Defendant Vi-GNAKET is sued herein because of the official program of Laos to commit
2 atrocities against the Hmong people required a legal policy, and justice system,
3 permitting the killing; maiming; torturing; raping; poisoning the Hmong, their jungle,
4 their water supply, and their food supply; and that such conduct against the Hmong
5 people did not constitute a crime under Laotian law. He is sued herein in his individual
6 capacity for conduct he did in the past, and for which he is continuing to commit,
7 pursuant to the power vested in him as Minister of Justice of Laos. The Minister of Justice
8 is the head of the Ministry of Justice, which is the official agency of the country of Laos
9 to administer law and justice in Laos.

10 16. Defendant GENERAL CHANSAMONE CHANYALATH, MINISTER OF DEFENSE is
11 the current Minister of Defense of the Lao People's Democratic Republic. See US CIA
12 country report on Laos, Attached hereto as Exhibit A, listing this defendant's position in
13 the People's Democratic Republic of Laos as of the current time.

14
15 17. Defendant CHANYALATH is sued herein because it is the Minister of Defense carried
16 out the largely military run program against the Hmong people. The Defense Minister is
17 the top official of the military of Laos, and directly participated in carrying out orders to
18 terminate Hmong people, including locating; killing; maiming; torturing; raping;
19 poisoning the Hmong, their jungle, their water supply, and their food supply. He is
20 further is sued herein in his individual for conduct he did in the past, and for which he is
21 continuing to commit, pursuant to the power vested in him as Minister of Defense of
22 Laos.

23
24 18. Defendant LIEUTENANT GENERAL VILAY LAKHAMFONG, MINISTER OF
25 PUBLIC SECURITY, is the current Minister of Public Security of the Lao People's
26 Democratic Republic. See US CIA country report on Laos, Attached hereto as Exhibit A,
27
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1 listing this defendant's position in the People's Democratic Republic of Laos as of the
2 current time.

3
4 19. Defendant LAKHAMFONG is sued herein because of the official program of Laos to
5 commit atrocities against the Hmong people required a legal policy, and justice system,
6 permitting the killing; maiming; torturing; raping; poisoning the Hmong, their jungle,
7 their water supply, and their food supply; and that such conduct against the Hmong
8 people did not constitute a crime under Laotian law. He is also sued herein in his
9 individual capacity for conduct he did in the past, and for which he is continuing to
10 commit, pursuant to the power vested in him as Minister of Public Security. The Minister
11 of Public Security is the head of the Ministry of Public Security, which is the official law
12 enforcement agency of the Laotian Government.

13
14 20. Defendant DR. DAO YANG is an individual residing in Inola, Oklahoma, the United
15 States of America and is working at the request of and on behalf of the Lao People's
16 Democratic Republic to spy on Hmong political activities in the United States and to
17 report back to Laos government officials concerning their observations and intelligence
18 collection and gathering efforts.

19
20 **III.**
21 **CONDUCT OF DEFENDANTS OCCURRING WITHIN THE TERRITORY OF THE**
22 **UNITED STATES AND WITHIN THE EASTERN DISTRICT OF CALIFORNIA**

23 A. Information re Hmong Homeland-Related Entities

24
25 21. The Plaintiffs' Hmong Country mission was initiated in Fresno in April, 2014. We have
26 members from Fresno, Stockton, Sacramento, California, and across the United States,
27 and consisted of The Hmong Business USA Corporation, Council of Hmong Public
28

Relations, and Hmong State; hmongstate.org. Members came from all walks of life, young, middle age to retirees, widows, professionals so forth.

22. Hmong Business USA Corporation was based in Fresno to develop Hmong Economy in California so that the participant could help the Hmong people in Asia. It has two offices: one in Fresno and one in New York City. Here is the following information from the California Secretary of States's website:

<i>Initial Filing Date</i>	06/07/2021
<i>Status</i>	Active
<i>Standing - SOS</i>	Good
<i>Standing - FTB</i>	Good
<i>Standing - Agent</i>	Good
<i>Standing - VCFCF</i>	Good
<i>Formed In</i>	CALIFORNIA
<i>Entity Type</i>	Stock Corporation - CA - General
<i>Principal Address</i>	2350 W SHAW AVE SUITE 123 FRESNO, CA 93711
<i>Mailing Address</i>	4225 OBERON AVE NORTH HIGHLANDS, CA 95660
<i>Statement of Info Due Date</i>	06/30/2022
<i>Agent</i>	Individual TXUMUAKOU MOUA 4225 OBERON AVE NORTH HIGHLANDS, CA 95660

23. The Council of Hmong Public Relations’s website [[Council of Hmong Public Relations – The Hmong Center Washington, DC \(hmongpr.org\)](https://www.hmongpr.org/)] describes this organization as

follows:

“Council of Hmong Public Relations (CHPR) is a non-profit organization that represents the Hmong people around the globe while presenting our ongoing issues to the local, state, or US federal governments, as well as the international community, so the Hmong people can be better served. The mission is to better the Hmong people in the United States and every corner around the world. Our agenda includes but not limited to the following committees:

- Advocating for a Hmong Country in Our Ancestral Lands in Asia, Southeast Asia
- Hmong Persecution and Security
- Economics and Agricultural Development
- Advancing Democracy, Human Rights, and Fundamental Freedom
- Culture, Social Affair, and Unity
- Equal Rights and Equal Justice
- Analyzing Domestic, Foreign Affair Policy of the US and Congressional Legislation
- Empowering Hmong Women and Girls
- Kameng Religion and Mengcha
- Pahauh, Leng Kai and Ze Kai

Registered legally as a 501.c.4 non-profit organization in the United States, we largely depend on private, charity, and corporate contributions or donations to sustain our organization and pursue our mission. As a result, if your organization is working on any

1 of the above areas or committees, which to better the Hmong people, you may qualify for
2 a grant or loan from CHPR with minimal interest rate”

3
4 24. See also press release by the council in the New York Chronicle entitled “Council Of
5 Hmong Public Relations Working Committee For The Initiative Of A Hmong Country”
6 dated September 25, 2023 [[www.newyork-chronicle.com/news/story/389883/council-of-](http://www.newyork-chronicle.com/news/story/389883/council-of-hmong-public-relations-working-committee-for-the-initiative-of-a-hmong-country.html)
7 [hmong-public-relations-working-committee-for-the-initiative-of-a-hmong-country.html](http://www.newyork-chronicle.com/news/story/389883/council-of-hmong-public-relations-working-committee-for-the-initiative-of-a-hmong-country.html)]:
8 “The Working Committee will focus on the promotion and preservation of the Hmong
9 religion, Kamen, the dissemination of the Hmong written alphabet, Pahauh, designing the
10 National Flag, promote cultural identity, and pursue the right of self-determination.
11 With the establishment of a new office in New York, the Hmong Nation, in due time, will
12 submit the Hmong Country Application to the United Nations General Assembly,
13 relevant Agencies of the United Nations to become Member State securing its place in
14 the family of nations. As a Member State of the United Nations, the Hmong people and
15 Nation shall honor and fulfill their international obligations, safeguard human rights and
16 maintain international peace and security.”

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20 25. With regards to Hmong State, its website states as follows [hmongstate.org]:

21 “Hmong State is a non-profit organization based in the United States that strives hard to
22 protect the Hmong people, who have been prosecuted in Asia continuously since the end
23 of the Vietnam War in May 1975.

24 We peacefully fight against the communist’s perpetration, operation, and infiltration in
25 the Hmong communities across the United States and oversea, while seeking a sovereign
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state (a country) where the Hmong people can continue to live freely and peacefully like other ancient and indigenous peoples.

The Hmong people declare to be free from the communists' political ideology, philosophy, or propaganda by declaring ourselves to be free from the communists' domination, occupation, persecution, and genocide in our ancestral lands in Asia.

We also reserve the right to be free and independent as we are actively pursuing a self-government that will enable us to continue to expand, sustain, and maintain our unique identity, culture, heritage, and history.

Additionally, we are proud to strictly follow, embrace, and share the United Nation's Charter and Articles in creating peace and security around the globe, as well as its "Transforming our world" Agenda from 2015-2030.

26. The following information about the Hmong State is found on the California Secretary of States's website:

<i>Initial Filing Date</i>	09/19/2023
<i>Status</i>	Active
<i>Standing - SOS</i>	Good
<i>Standing - FTB</i>	Good
<i>Standing - Agent</i>	Good
<i>Standing - VCFCF</i>	Good
<i>Formed In</i>	CALIFORNIA
<i>Entity Type</i>	Nonprofit Corporation - CA - Public Benefit

Principal Address	1401 21ST ST STE R SACRAMENTO, CA 95811
Mailing Address	4903 E KINGS CANYON ROAD SUITE 271 FRESNO, CA 93727
Statement of Info Due Date	09/30/2025
Agent	1505 Corporation REGISTERED AGENTS INC

Its Articles of Incorporation were filed on September 19, 2023; and its Statement of Information was filed on September 26, 2023.

B. Information re Dr. Yang Dao

27. Dr. Yang Dao has been working in the capacity of a spy for Lao PDR since at least the period 2007 through to the present, and is expected to continue to work as a spy for the Laos PDR. His work as a spy has taken place and continues to take place in the Fresno, CA area, where many Hmong people live and reside, in the St. Paul Minnesota area, where many Hmong people reside, and in Washington, DC where he reports his information obtained through his spying activities to the Laos PDR government at its embassy in Washington, DC. His spying activities also take place in his current place of residence in Inola, Oklahoma.

28. About the case against Vang Pao and 11 Hmong individuals back in 2007, we are not sure how much or if Dr. Yang Dao played any role. Dr. Yang has many Hmong individuals covertly working for him to infiltrate political organizations and pass it along to the Lao Embassy in Washington as well as US Department of State.

1 29. Many Hmong organizations, individuals that have connections with Dr. Yang Dao,
2 associate with Dr. Yang Dao, followers of Dr. Yang Dao are all anti our Hmong Country
3 Mission.

4
5 30. A summary of internet publications about

6 1. Wikilinks re Dr. Yang Dao:

7 www.wikileaks.org/plusd/cables/07VIENTIANE487_a.html

8 6 pages

9 Pages of interest

10 Page 1, summary:

11 “The politics of the Hmong communities in both Laos and the United States
12 are extremely complex. As a result, a conversation with even a well educated
13 Hmong (or Hmong-American) leader involves exaggeration and guess work
14 and often raises more questions than it provides answers. Nevertheless, a
15 recent conversation with Hmong-American leader Dr. Yang Dao raises
16 several issues that may be worth pursuing. Dr. Yang Dao also asks for
17 police/FBI protection before agreeing to address a Hmong-American
18 gathering in Fresno, California. Since he may be in possession of important,
19 time-sensitive information and seems to be willing to pass a positive message
20 -- that Hmong-American support for attempts to destabilize the Lao
21 Government violates U.S. laws -- the FBI may have interest in contacting
22 him, and the Department may have an interest in supporting the
23 dissemination of this message. Dr. Yang Dao asks the Department to write
24 letters directly to Hmong groups in the United States to repeat this message.
25 Please see our action requests in paragraph 13.”
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1 The Wikileaks article shows entries from official United States records as of June 11,
2 2007.

3
4 2. Article from Communist Party of Vietnam online newspaper

5 [https://en.dangcongsan.vn/overseas-vietnamese/overseas-vietnamese-professor-recalls-
7 memories-about-president-ho-chi-minh-597505.html](https://en.dangcongsan.vn/overseas-vietnamese/overseas-vietnamese-professor-recalls-
6 memories-about-president-ho-chi-minh-597505.html)

8 Pages of interest:

9 Page 2:

10 “Prof. Dr. Yang Dao also expressed emotion when recalling the first time he visited Uncle
11 Ho's Mausoleum and, like other Vietnamese far from home, he always remembers Uncle,
12 hoping to have the opportunity to return home every year and visit Uncle Ho's Mausoleum.
13 His family belongs to H'Mong ethnic minority in Meo Vac District, Ha Giang Province.
14 He was the first H'Mong ethnic minority person to receive a doctoral degree in social
15 sciences from the Sorbonne University, France. After that, he and his family moved to live
16 and work in Minnesota, the US.

17 He taught Southeast Asian anthropology at the University of Minnesota, Minnesota, until
18 retirement. He has always made active contributions in uniting the H'Mong community and
19 the Vietnamese community in order to promote the national cultural identity and connect
20 people with the homeland./.

21
22
23 3. Article from AsianFuse.net

24 <https://asianfuse.net/discuzz/threads/yang-dao.30861/>

25 The article has excerpts of a community chat forum that has content oabout Dr. Yang Dao's
26 status as a Lao spy working in the United States, as seen by the following entry.
27
28

Pages of interest: page 3

“[tawang](#) sarNie Juvenile

he's 100% vietnamese. he's not even hmong. i don't hate him cuz he's viet. i hate him cuz he's working with the laos government and all trying to ruined us hmong peeps and he's a **TRAITOR**!!! he was lucky enough that a hmong family took him in as their child when no one else wanted him and this is what us hmong peeps get? it's just messed up.”

4. YouTube Video:

<https://youtu.be/GW5lm9PbgRk?si=VSbDa4WQG2UyWOnh>

"Dr. Yang Dao Communist Spy receiving a Certificate Award from the Government of Lao PDR in Vientiane"; 10:15 in duration.

Description of YouTube:

The video showed all the Lao and Hmong individuals overseas who worked for the Lao government [names unknown to plaintiffs]. These operatives are working in Fresno, CA and St. Paul, Minnesota, and Washington D.C., and other locations, and continue through to the date of the filing of this complaint to operate as spies for Laos. The persons receiving the awards are not seen making any speeches, only the person that make the video does the talking.

There are two Hmong individuals also appeared on the video. One is George Vue in Fresno, CA and the other one is Chao Lee from the Twin Cities and he is staff member of US Congresswoman Betty McCollum Office. However, the video did not show they receive any awards. We all believed they are the network of Dr. Yang Dao political operatives.

The video was filmed in Vientiane Laos in 11/16/2010.

1 The video also shows other US-based Laos PDR spy operatives. The names and identities
2 of which are not known to plaintiffs, also receiving recognition for good service.

3
4 5. Further Youtubes:

5 "NEO LAO SANG XAT MEDAL DECORATION TO LAO-OVERSEAS 1.mpeg" on
6 YouTube, <https://youtu.be/PoHGsOFIxLM?si=uoQGxizadUc6AoSa>

7 8:43 mins

8 A summary of this video is as follows:

9 The video shows defendant Dr. Yang Dao and other Lao PDR USA-based spies
10 receiving awards and recognition for their good service.

11
12 6. "Dr. Yang Dao of Neo Lao Sang Xat, Communist Agent"

13 <https://youtu.be/Ihw4TBs6Sqc?si=7WmfGCavkEllozzF>

14 1:00 min

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16
17 31. See also Seng Xiong's testimony given 9.23.22 during the merits hearing on his
18 application for protection under the convention against torture before the United States
19 immigration court El Paso Texas hon. Michaels Pleters, judge presiding, pages 39-45.

20
21 32. A further incident that occurred within a territory of the United States was the institution
22 of a fake fraudulent criminal action brought by the US Attorney's Office in the Eastern
23 District of California against a group of Hmong individuals including Nia Vang and
24 General Vang Pao entitled *United States v. Harrison Jack, et al*, E.D.Cal., Case No. CR
25 07-266 FCD. Following a series of court-ordered dismissals of some of the claims, the
26 US Attorney made the decision to dismiss the entirety of the remaining undismissed
27
28

1 charges. Following those events, some of the defendants in that case including plaintiff
2 Nhia Vang filed a malicious prosecution case against the United States of America by
3 conduct of its undercover operator Stephen Decker of the ATFE, for knowingly
4 prosecuting a complaint that was based on a pack of lies.

5
6 33. That civil malicious prosecution case was dismissed by the trial court in the Eastern
7 District of California upon findings at the US Attorney's decision to dismiss the
8 underlying criminal case did not reflect on the substantive merits of whether the
9 defendants were in fact guilty or not, but was done instead for other policy and related
10 issues.

11
12 34. In the malicious prosecution case, the case was dismissed early on and appealed to the
13 Ninth Circuit Court of Appeals, which reversed the dismissal and remanded it to the trial
14 court for further proceedings. On remand, the trial court issued an order dated August 20,
15 2015, instructing the US Attorney's office to give a statement as to why it dismissed the
16 action, and if that dismissal was based on the substantive merits showing that the
17 plaintiffs in the malicious prosecution case were actually innocent of the charges, or were
18 dismissed due to other non-substantive issues.

19
20 The Order states at page 2, lines 18-21:

21 “Therefore, IT IS HEREBY ORDERED that, within fourteen (14) days of the date this
22 Order is electronically filed, Defendants shall file a brief addressing whether the charges
23 against Plaintiffs were withdrawn on the basis of a compromise among the parties or for a
24 cause that was not inconsistent with Plaintiffs’ guilt.”

1 35. The United States/Defendants did submit a brief, a copy of which is attached hereto as
2 Exhibit B. The brief states at Page 2, lines 6-10:

3 “On August 20, 2015, this Court, pursuant to the Ninth Circuit’s instructions on remand,
4 ordered Defendants to address whether the charges in the underlying criminal
5 prosecution, *United States v. Harrison Jack, et al*, E.D. Cal., Case No. CR 07-266 FCD
6 (“*Jack*”), were withdrawn on the basis of a compromise among the parties or for a cause
7 that was not inconsistent with Plaintiffs’ guilt.² Dkt. No. 48.”
8

9
10 36. The Government’s brief [Exhibit B] goes on to state at Page 2, lines 11-14:

11 “As demonstrated in the accompanying declaration of United States Attorney Benjamin
12 B. Wagner (“Wagner Decl.”), despite probable cause and evidence that Nhia Kao Vang,
13 David Vang and Chue Hue Vang (the “Vang Plaintiffs”) ³ committed the remaining
14 crimes with which they were charged, the United States dismissed the *Jack* prosecution
15 based on factors unrelated to the merits. Through its rulings and comments, the court
16 revealed a remarkable hostility to the government’s case. *See* Wagner Decl., ¶ 4. The
17 criminal defendants also alleged agent and prosecutorial misconduct, raising a risk of a
18 negative credibility finding and suppression of evidence. *See id.* at ¶ 5-6. Going forward,
19 the case would require a significant number of personnel, trial would be fiercely
20 contested and any sentences imposed would likely be low. *See id.* at ¶ 7-8. As a result,
21 U.S. Attorney Wagner weighed the costs and benefits of pursuing the case, and
22 determined that no substantial federal interest was served by continued prosecution. *See*
23 *id.* at ¶ 3, 9. None of these reasons for dismissal, however, are inconsistent with the guilt
24 of the Vang Plaintiffs. Accordingly, Plaintiffs cannot maintain a claim for malicious
25 prosecution.”
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37. The government explained its contention that the underlying criminal case was not dismissed as follows [Exhibit B, Page 3, lines 7- page 4, line 6]:

“In December, 2010, after three years of litigation, U.S. Attorney Wagner recommended dismissal of the *Jack* prosecution to the United States Department of Justice’s National Security Division (“NSD”) because, given the circumstances, no substantial federal interest would be served by continued prosecution. *See* Declaration of Benjamin B. Wagner (“Wagner Decl.”), ¶ 3. U.S. Attorney Wagner made this recommendation, as a discretionary matter, for a combination reasons, including the following. *Id.*

First, the court made a series of adverse rulings, vigorously opposed by the United States, suggesting it was markedly hostile to the government’s case. *See* Wagner Decl., ¶ 4. At the same time, the court gave defendants extraordinary leeway in litigating the case. *Id.*”

Second, the criminal defendants alleged the wiretap, search warrant and complaint affidavits submitted by the undercover agent contained incriminating statements falsely attributed to former defendant General Vang Pao, and failed to disclose certain facts. *See* Wagner Decl., ¶ 5. Although U.S. Attorney Wagner believed the agent acted in good faith, he had never testified in a contested court hearing or trial. *Id.* The upcoming *Franks* hearing raised the possibility that the agent would be subject to vigorous cross-examination regarding his alleged errors, the criminal defendants would suggest he was unreliable among other things, and the court would enter a negative credibility finding, especially given its previous expressed views about the case. *Id.* Because this agent was a critical prosecution witness, such a finding would be damaging beyond its impact on the pretrial motions. *Id.*

Third, the criminal defendants alleged that the prosecutors engaged in misconduct. *See* Wagner Decl. at ¶ 6. Although U.S. Attorney Wagner believed that all personnel acted in good faith, prosecutors and agents inadvertently committed a technical violation of the

60-day search warrant deadline relating to computer searches. *Id.* This inadvertent error created a risk of suppression. *Id.*

Fourth, the United States faced a fiercely contested trial and considerable litigation on evidentiary issues. *See* Wagner Decl. at ¶ 7.

Fifth, even if the United States prevailed, the court was likely to impose minimal sentences. *See* Wagner Decl. at ¶ 8.

Finally, taking all of these factors into consideration. U.S. Attorney Wagner performed a cost/benefit analysis.”

38. The Government concluded as follows [Exhibit B, Page 6, lines 13-21]:

“As demonstrated by U.S. Attorney Wagner’s declaration, the United States did not dismiss the *Jack* prosecution because the remaining charges against the Vang Plaintiffs lacked merit. The United States had evidence that the Vang Plaintiffs had committed the remaining crimes with which they were charged, and made no compromise to dismiss them. *See* Wagner Decl., ¶ 11, 12. Instead, it ended the prosecution because the costs of pursuing the *Jack* case outweighed the benefits. *Id.* at ¶ 3-9, *see also Deal v. Alegre*, 2006 WL 436144 at *4 (N.D. Cal. Feb. 21, 2006) (a dismissal in the interests of justice was not inconsistent with guilt where an essential witness was unavailable, the accused had served his sentence and had a prior conviction). Accordingly, the dismissal was not inconsistent with the Vang Plaintiffs’ guilt, and as a result, Plaintiffs cannot maintain a malicious prosecution action.”

39. The true facts were stated and described in the Appellants Vang et al.’s Appellants’ Openign Brief to the US Court of Appeals for the Ninth Circuit, Appeal No. 16-15443, excerpts of which are attached hereto as Exhibit C.

1 40. The point of showing all of these deceits lies and trickeries in the federal prosecution of a
2 group of defendants, including General Pao, is that it all came from Lao People's
3 Democratic Republic spies operating in the eastern district of California to bring down
4 any Hmong person that was associated with the US secret war in Laos. All of the
5 defendants in that case had family members directly involved in the secret war against
6 Laos. For example, Nhia Vang's father was employed by the USA-CIA and died fighting
7 for the USA.
8

9
10 41. The USA government turned on all these people based on a bunch of lies told to them by
11 Laotian spies, and brought a bogus prosecution against all of them, which they later had
12 to abandon under a bunch of false claims that it was based on the interest of justice. In
13 fact, it was based on the fact that there was no evidence to support the crimes alleged, and
14 they had to dismiss the criminal case based on lack of evidence. The evidence was that
15 US government officials ask Hmong people to get involved in a war against Laos, and
16 then turned around and charged those among people with unlawful waging of a war
17 against a friendly country.
18

19 42. The facts of that case are shown here to give another example of conduct of the Lao
20 People's Democratic Republic in their campaign against Hmong people that occurred
21 inside the territory of the United States of America, thus invoking jurisdiction of the
22 United States courts over the Alien Tort Claims Act claims asserted herein.
23

24 43. The Ninth Circuit Court of Appeals affirmed the trial court's dismissal of the malicious
25 prosecution action, notwithstanding the obviously material issues of fact regarding what
26 really happened. Instead, both the trial court and the Court of Appeals loyally accepted as
27
28

1 100% true everything that the US Attorney's Office stated about its dismissal of the
2 underlying criminal action.

3
4 44. The falsity of the wire fraud and mail fraud claims brought in the criminal case against
5 plaintiff Seng Xiong, also described in the first claim for relief below, are further shown
6 by the fact that there was actually not a single victim witness that was brought forward
7 during the trial of the action. The only person who came forward was actually Souk
8 Thao, the son of an alleged victim, and a California state police officer. His father, Sao
9 Thao, was a donor to the Hmong homeland program. Souk Thao, the son who testified,
10 was not a donor and was thus not a direct victim.

11
12 45. Souk Thao testified that he worked in Riverside County, and his father, donor Sao Thao
13 resides in Cherry Valley, Riverside County, CA.

14
15 46. To further show the falsity of that claim the US attorney took approximately \$1.2 million
16 in funds from a bank account that was collected-up from donors who were attempting to
17 fund the process of buying land to create a Hmong homeland.

18
19 47. Plaintiff's counsel obtained a series of 121 declarations from these so-called victims, in
20 which they made it clear under oath that they were not victims at all, and that they
21 provided money to bring forward a Hmong homeland. An exemplar declaration of one of
22 these witnesses, Cher Pao Xiong, is attached to this complaint as Exhibit D. The
23 following is a list of all of the witnesses of people the US Attorney refer to as victims,
24 who in fact were not victims at all:
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1. Shue Xiong, 2. Nao H. Xiong, 3. Lao Thao, 4. Cheng Xiong, 5. Chue Ge Vang, 6. Vue Lee, 7. Gacheng Yang, 8. Waseng Xiong, 9. Zong Kai Xiong, 10. TK Lee, 11. Sao Thao, 12. George Yang, 13. Wayer Moua, 14. Kao Lee, 15. Koua Moua, 16. Ter Yang, 17. Zong Koua Moua, 18. Youa Doua Yang, 19. Lee Her, 20. Sia Xiong, 21. Chai Thao, 22. Cher Pao Xiong, 23. Ger Vang, 24. Gee Vang Lor, 25. Wilson Vang, 26. Kai Vang, 27. Cha Moua Vang, 28. Charz Sang Xiong and Bee Yang, 29. Thongdy Vang, 30. Yer Xiong, 31. Vamdernt Lee, 32. Vue S. Vang, 33. Chao Lee, 34. Chang Pao Xiong, 35. Cher Thao, 36. Nhia Xiong Yang, 37. Yao L. Thao, 38. Fai Lao Vang, 39. Chad Thao, 40. Nancy Lee, 41. Ger Vang, 42. Boua Vang, 43. Ye Vang, 44. Youa Vang, 45. Lee Pao Xiong, 46. Willy Vanh, 47. Cha Ye Xiong, 48. Lee Kue, 49. Nhia X. Lee, 50. Kia Lee, 51. Chongchee C. Wange, 52. Leng Chang, 53. Cheng Chang, 54. Brong Lor, 55. Fong Moua, 56. Richard Lee, 57. Toua Xiong, 58. Pa Zao Her, 59. Mai Nhia Lee, 60. Nhia Chao Her, 61. Bee Lor, 62. Chang Vang and Chia Neng Vang, 63. Poua Yang Thao, 64. Chang Yang and Pang Xiong Yang, 65. Fu Jay Yang, 66. Vong Houa Xiong, 67. Cher Thao and Nhia Xiong Yang, 68. Koua Khang, 69. Zoua Xiong, 70. Songher Her, 71. Wa Seng Her, 72. Wechai Moua, 73. Thao Xiong, 74. Peter Z. Thao, 75. Houa Thao and Xia Yang, 76. Bobby Joe Yang, 77. Yia Yang, 78. Hue Yang, 79. Chiato, 80. Yur Yang, 81. Charles Cheu Yang, 82. Cheryong Thao, 83. Boua Lee Lor, 84. Sang Moua, 85. Wilson C. Vang, 86. Sai Her Xiong, 87. Ka C. Xiong, 88. Chong Veng Moua, 89. Tomsing Her, 90. Khua Jer Vang, 91. Yayoashi Her, 92. Ngia Her, 93. Youa Pao Hang, 94. Shong Xiong, 95. Kou Xiong, 96. Pengsue Lee, 97. Ge Lee, 98. Charles

1 Xiong and Melinda Xiong, 99. Der Xiong, 100. Thong Lee, 101. Harry Xai
2 Lee, 102. Bee Yang, 103. Der Xiong, 104. Frederic Vang, 105. Helene
3 Vang, 106. Jong Lue Yang, 107. Ka Vang, 108. Koua Xiong, 109. Mai H.
4 Vang, 110. Pao Ge Xiong, 111. Parher Yang, 112. Peter Lee, 113. Sor
5 Vang, 114. Thai Sau Ly and A Seng Thao, 115. Xe Lor, and 116. Zong Paul
6 Vang, 117. Nhia Xiong Thao, 118. WaChore Yang and Shong Vang; 119.
7 Lee Pao Vang, 120. Houa Xiong, and 121. Sao Thao.
8
9

10 48. The statement set forth in Exhibit D include the following statement of facts:

11 “2. I recently received a check from the United States government purporting to be
12 restitution as a result of the USA’s case against Seng Xiong [United States District Court,
13 District of Minnesota Case No. 16-CR-167(SRN)] from the funds collected by Hmong
14 Tebchaws. I wish to return these funds back to the USA and with instructions to keep all
15 those funds together so that Hmong Tebchaws may use those monies to purchase lands to
16 be arranged for hopefully in Thailand, but somewhere on this Earth that we will then call
17 a Hmong homeland.
18

19 3. I am not a victim of any sort in this case. At no time did I believe or ever say that Seng
20 Xiong somehow tricked or defrauded me.”
21

22
23 49. The list of 121 donors to the Hmong country campaign describe above include a
24 substantial number of donors [at least 9 out of the 121] that came from Fresno and other
25 locations within the Eastern district of California.
26
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50. A further falsity uncovered by plaintiff council is the bizarre fact that the US Attorney having committed its own fraudulent conduct in seizing the bank account of the Hmong country effort, failed to actually pay it back to the donors. We have collected up 60 declarations by donors who never got their money back/all of their money back. Attached hereto as Exhibit E is an exemplar statement made by donor Pao Xiong, who states therein:

“I, Pao Xiong, had contributed to Mr. Seng Xiong prior to his arrest in March 2016 in the amount indicated below. While the Court would not return my contribution to Mr. Xiong, I request that it be sent to me so I can do whatever I want with the fund.

Total amount of contribution to Mr. Seng Xiong \$1,855.00

Total amount I have received from the Court/DOJ \$560.00

The amount of restitution to be sent back to me \$1,295.00”

51. The following list of individuals are donors who put money in that was taken in the prosecution of Mr. Seng Xiong, and kept in trust by the US attorney, and never returned back to these donors:

1. America Vang
2. Boua Lee Lor
3. Brandy Xiong
4. Cha Her
5. Cha Moua Vang
6. Cha Vang
7. Cha Xue Lee
8. Chang Chai Vang
9. Chao Lor
10. Chao Vang
11. Charles Xiong
12. Charlie Xiong
13. Cheng Xiong
14. Cher Pao Vang
15. Chong Sao Vang

16. Chong Vang
17. Fai Lao Vang
18. Francois Vang
19. Harry X. Lee
20. Her Pao Vang
21. Jeff P. Xiong
22. John T. Xiong
23. Jong Lue Yang
24. Ka Vang
25. Khaisu Xiong
26. Kue Lee
27. Lee Pao Xiong
28. Lor Vang
29. Lou Tou Yang
30. Luc Ya
31. Maiyia Xiong
32. Mee Lor
33. Nao Chu Heu
34. Nao Hue Xiong
35. Neng Xiong
36. Neng Yang
37. Nhia X Lee
38. Nou C. Yang
39. Pao Xiong
40. Pao Xiong
41. Phia Yang
42. Prentice H. Vaj
43. Sai Her Xiong
44. Sao Thao
45. Seeh Xiong
46. Shoualou Yang
47. Sia Xiong
48. Sor Vang
49. Soua Xa Yang
50. Tong Pao Lee
51. Toua Lee
52. Toua Xiong
53. Tria Xiong
54. Vang Yang
55. Victor J. Xiong
56. Wilson C. Vang
57. Xao L Thao
58. Yang Her
59. Youa Vang
60. Zong Paul Vang

- 1 52. The list of 60 donors to the Hmong country campaign who provided declarations
2 described above indicating that they had not received the restitution payment, include
3 substantial number of donors [10 out of 60] from Fresno, CA and other locations within
4 the Eastern District of California.
5
- 6 53. Due to the federal criminal law process in limitations on post judgment relief, the issues
7 regarding the total lack and absence of a real victim in the case never got heard on their
8 merits, and instead were summarily rejected based on a failure to raise them on the first
9 round of post-judgment challenges. The issues about the restitution and the collection up
10 of funds the amount of the restitution, and whether or not the amount was properly
11 distributed or not, likewise never got to see the light of day due to restrictions on
12 challenging restitutionary judgments.
13
14
- 15 54. Because of those restrictions under federal law, not only could Seng Xiong not challenge
16 the lack of an actual recipient victim witness giving testimony against Seng Xiong
17 (literally zero were brought forward by the US attorney), and the notion that the so-called
18 victims were not victims at all, never considered themselves victims, and were instead
19 earnest donors in hopes of creating a collective fund sufficient enough to buy a piece of
20 land somewhere to be a Hmong homeland was never able to be litigated either on the
21 merits in the trial court and/or in any appellate procedure. It remained buried under
22 federal criminal law procedure that limits defendants' ability to challenge convictions to
23 basically one shot at that, and these issues were not raised in that one shot. As a result,
24 these issues were never litigated on the merits and never saw the light of day. They are
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1 thus asserted here as claims that have not been decided on the merits, and should be
2 placed here at issue on the issue of the court's jurisdiction to permit and authorize this
3 Alien Tort Claims Act based on activities of Lao PDR spies creating these bizarre
4 criminal cases that were done in an entirely fraudulent and false manner based on false
5 information provided by Lao PDR spies acting in the United States.
6

7
8 55. The falsities embedded into the criminal prosecutions that occurred in Sacramento and in
9 Minnesota are flagrant, eminently, provable and show the impact of the behavior of the
10 Lao PDR spies operating inside the territory of the United States of America.
11

12 56. In addition to Defendant Yang Dao, Plaintiffs are aware of the names of at least two
13 others such Lao PDR spy operatives working inside the territory of the United States to
14 collect information concerning Hmong political activities and reporting that information
15 back to Laos PDR officials: George Vue, and Dr. Sam Thao.
16

17
18 57. These Laos PDR directed spying activities in the USA occur at a substantial level in
19 Fresno, California and other locations within the Eastern District of California.
20

21 58. In Seng Xiong's criminal case in Minnesota, Defendant Dr. Yang Dao had publicly
22 warned Seng Xiong and his group that they must stop and cease any activities in the
23 pursuit of a Hmong Country because there is no laws allowing the Hmong People to have
24 a Country. Dr. Dao further said and told the US government, US Prosecutor's Office, St.
25 Paul Police Officers, and US Secret Service that there is no place, no land left anywhere
26 in Southeast Asia or Asia for Hmong to have a country. Therefore, he argued that Seng
27
28

1 Xiong's mission to establish a Hmong Country is fraudulent, and those supporting the
2 Mission by voluntary donating money to the Mission are victims.

3
4 59. All these things are untrue and lies given by Dr. Yang Dao. Furthermore, Dr. Yang Dao
5 had lobbied Steve Moua (a key witness in the criminal) to work and cooperate with him.

6
7 60. One of other things that the US Prosecutor in Minnesota told Seng Xiong's lawyer Allan
8 Chaplain that the real reason the US government decided to arrest Seng Xiong was that
9 he sold 10 acres of land in a foreign country, which is a lie told to US Prosecutor Office
10 by Hmong Attorney Sia Lor in Minnesota.

11
12 61. Dr. Yang Dao has thus recruited many Hmong intellectuals, Veterans of the old NeoHom
13 people, General Vang Pao's sons to work with him to stop Seng Xiong's mission.

14
15 62. A reasonable inference of the facts in light of what we know about what they did in the
16 Minnesota case against you is that it was the result of Laos PDR spy operatives in the
17 USA working with USA law enforcement to bring about false claims and false charges
18 against politically-active Hmong individuals.
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IV.

**EVIDENCE AND FACTS REGARDING THE SYSTEMATIC CAMPAIGN BY THE
LAO PEOPLE’S DEMOCRATIC REPUBLIC AND ITS TOP OFFICIALS TO COMMIT
A GENOCIDAL CAMPAIGN TO ELIMINATE HMONG PEOPLE WHOSE FAMILIES
WERE CONNECTED TO THE USA SECRET WAR IN LAOS; AND TO COMMIT
WAR CRIMES INCLUDING VIOLATION OF A PEACE TREATY, AND
COMMISSION OF MULTIPLE ACTS OF TORTURE, MURDER, RAPE, AND
DISEMBOWELMENT OF HMONG PEOPLE**

63. Plaintiffs cite the following evidence to show the undeniable fact that since approximately 1972, up and through to and the present and continuing, the Lao People's Democratic Republic, following the 1973 Peace treaty that ended the Vietnam War, has instead of conducting a peaceful country, decided to engage in a genocidal campaign against Hmong people whose family members were associated with the USA “secret war” in Laos. Laos has committed a genocide against Hmong people that still continues to this day; it has violated the peace treaties and has committed a series of war crimes including the massacre *en masse* of Hmong people living in the jungles of Laos; the sexual assault and rape of women in Laos; and the torture, mutilation, and disembowelment of Hmong people in Laos.

64. As part and parcel of that generalized campaign, Laos has also combatted any effort by the Hmong people to escape Laos and/or to establish their own safety areas, including a Hmong homeland.

65. Each of the plaintiffs in this action have family members that were associated with and worked with the US CIA's secret war in Laos by having family members serve as soldiers in that secret war. As a consequence of that family involvement, the plaintiffs’ immediate family members have been murdered and eliminated by Laos.

1 66. The Plaintiffs themselves have been forced to flee Laos, as they cannot have any kind of
2 life there. The plaintiffs were born in Laos, and were citizens of the Royal Laos Nation,
3 but are people to be simply tortured and eliminated to the Lao PDR. Each of the plaintiffs
4 in this action are individuals who have worked toward a project in the USA to establish a
5 homeland for Hmong people in some location on this world, and as such have a
6 reasonable expectation of economic and security benefit from the establishment of a
7 Hmong country somewhere. That country could exist if things got organized in Laos, but
8 right now there's no way Hmong people can do anything of the sort in Laos. That Hmong
9 homeland could exist in Thailand, where some of the lands that used to belong to Laos
10 were ceded over to Thailand in the northern parts of Thailand and could be turned into
11 Hmong country land. That land could also be created with the agreement of the
12 Philippine government in the country of Philippines. That land for Hmong people could
13 also be established in the United States, if the United States were agreeable and could
14 create homeland for Hmong people, in a similar way that the USA has created sovereign
15 lands for the Native American populations.
16

17
18 67. Laos, however, has stopped the progress of the Hmong Homeland campaign by putting
19 spies in the USA to report on Hmong Homeland political activity and other political
20 activity which plaintiffs have been directly involved in. As a result of the USA-based
21 spies, the Homeland campaign has been deeply disturbed, delayed, and trampled, but is
22 by no means over.
23

24 68. Plaintiffs are still currently engaged in the establishment of a Hmong homeland, and will
25 suffer irreparable harm unless some form of injunctive relief requiring Laos to stop the
26 atrocities they are committing against the Hmong people and against plaintiffs in this
27
28

1 action, and to stop the campaign against the establishment of Hmong homeland, and/or
2 such other injunctive relief as the Court deems just and appropriate, is granted.
3

4 69. Here are the facts and evidence of the atrocities committed by Laos officials including the
5 defendants sued individually in this action.
6

7 **Series of News Obtained by Plaintiffs Discussing the Atrocities Committed by the Laos**
8 **Officials, including the Individual Defendants Sued in this Matter**

9
10 70. Plaintiffs have collected up a series of press articles published online, which include the
11 following titles and quotations from the articles. Each of these articles show the
12 undeniable truth that the Laos government, including the individuals sued herein, are
13 guilty of committing these terrible atrocities against the Hmong people:

- 14 1. “Amnesty International Says Lao Soldiers Killed and Mutilated Hmong Children -
15 2004-09-14”, October 29, 2009 [www.voanews.com/a/a-13-a-2004-09-14-6-amnesty-
16 67363002/382447.html], page 2: “Human rights groups accuse the government and
17 military of abuses against the ethnic Hmong, committed as the government tries to
18 wipe out the rebels.”
19 2. “Hmong: New Deadly Attack Launched by Laotian Military”, May 12, 2020
20 [unpo.org/article/21883], page 2: “The attack is just the latest episode of a series of
21 gross violations committed against the Hmong people. Such violations include
22 uncompensated land confiscation, arbitrary arrests and killings, enforced
23 disappearances, suppression of freedom of expression and severe restrictions on the
24 Hmong's economic, social and cultural rights. In light of overwhelming evidence that
25 the Lao People's Revolutionary Party (LPRP) has violated the most basic human
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- rights of the ChaoFa Hmong, the UNPO calls on the UN to launch an immediate investigation of human rights violations in the region.”
3. Radio Free Asia, *Lao troops told 'shoot to kill' Hmong rebels*, 8 February 2008, available at: <https://www.refworld.org/docid/47b5b70828.html> [accessed 7 July 2022], Page 1: “Government troops in Laos have been ordered to shoot to kill ethnic Hmong insurgents in the country's northern jungle regions, with cash rewards offered for every "enemy" killed, RFA's Lao service reports. A military official in the northern province of Luangprabang said the orders had now become an "open secret" in Laos. The orders apply to the region extending from lower Luangprabang to Xiengkhouang and the northern part of Vientiane province, where the government hopes systematically to break up Hmong opposition groups by force.”
4. “Laos: Attacks Intensify Against Lao, Hmong People”, March 4, 2013 [www.businesswire.com/news/home/20130304006755/en/Laos-Attacks-Intensify-Against-Lao-Hmong-People], page 1: ““There is a major surge in political violence and ethnic and religious persecution in Laos following the arrest of Lao civic activist Sombath Somphone and the disappearance of three Lao-American men from Minnesota who traveled recently to Laos," said Philip Smith, Executive Director of the Washington, D.C.-based CPPA.”
5. Ounkeo Souksavanh, Max Avery, and Richard Finney, “Lao Government Troops Launch New Assault Against Hmong at Phou Bia Mountain”, Radio Free Asia, April 4, 2021 [www.rfa.org/english/news/laos/assault-04012021160502.html], page 2: “The new push against the Hmong-who fought under U.S. advisors against communist forces during the Vietnam War-follows the March 14 publication of an order by

1 authorities in Xaysomboun province barring access by civilians to the forests near
2 Phou Bia, the highest mountain in Laos, an international NGO said at the weekend.
3 Hmong civilians living in the area are now reporting an increase in violence at the
4 hands of government troops, an official of the Brussels-based Unrepresented Nations
5 and Peoples Organization (UNPO) told RFA in an email on March 28.

6 ***

7
8 The Lao military has long pushed a campaign targeting Hmong in the region in a
9 program of military attacks and forced relocations into government-controlled
10 camps and villages, with repression and the use of force entering "a new phase of
11 severity" in 2016, the UNPO said in a March 25 statement urging an international
12 response to the crisis.

13 ***

14 Authorities in multi-ethnic Laos have long been wary of opposition among the
15 country's Hmong ethnic minority, many of whom say they face persecution from the
16 government because of their U.S. ties during the Vietnam War, when thousands of
17 Hmong fought under CIA advisors during the so-called Secret War against
18 communists in Laos.”

- 19
20 6. Samuel Pitchford, “[The Forgotten Genocide: Hmong And Montagnards](https://www.humanrightspulse.com/mastercontentblog/the-forgotten-genocide-hmong-and-montagnards-face-violent-religious-persecution)
21 [Face Violent Religious Persecution](https://www.humanrightspulse.com/mastercontentblog/the-forgotten-genocide-hmong-and-montagnards-face-violent-religious-persecution)”, Human Rights Pulse, October 14,
22 2021 [www.humanrightspulse.com/mastercontentblog/the-forgotten-
23 genocide-hmong-and-montagnards-face-violent-religious-persecution,
24 page 2:
25
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1 “Around 300,000 [Hmong] fled to neighbouring Thailand where they were placed in
2 squalid detention camps: Thailand is not a party to the 1951 Convention Relating to
3 the Status of Refugees and so does not recognise the Hmong as refugees. Many were
4 later resettled in the United States, but Thailand has deported many back to Laos (to
5 an uncertain future).

6 Those unable to escape Laos fled into the jungles. Since 1975, reports of Laotian
7 military attacks on the Hmong have filtered out of the country (here, here, and here).
8 The latest reported attack was in April 2021. There is also evidence of chemical
9 weapons attacks against Hmong civilians. In Vietnam, Hmong and Montagnards
10 persecution is less severe. Nevertheless, Hmong and Montagnards face arbitrary
11 detention, beatings, and evictions. Priests, pastors, preachers are often targeted.”
12

- 13 7. “UN warns Laos over persecution of Hmong” Union of Catholic Asian News, July 2,
14 2021 [www.ucanews.com/news/un-warns-laos-over-persecution-of-hmong/93115],
15 page 2:

16 “The special rapporteurs also voiced their concerns over allegations that the Lao army
17 has carried out indiscriminate military attacks on Hmong communities in the area and
18 perpetrated a variety of human rights abuses, including extrajudicial killings.
19

20 Hmong people in the area belong to an independence movement that has resisted the
21 communist takeover of Laos since 1975 and as a result continue to be routinely
22 victimized by the country's regime.

23 “We are distressed by credible allegations and testimonies indicating that cases of
24 extrajudicial killings, torture and other serious violations of human rights, including
25 sexual abuse, have been perpetrated by army soldiers,” the signatories said.
26
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1 "[These allegations] seem to be part of an ongoing and escalating pattern of violence by
2 government forces characterized by a disproportionate use of force, against Hmong
3 individuals "and communities, including elderly [people], women and children.""

4
5 71. Series of Declarations Obtained by Plaintiffs Discussing the Atrocities Committed by the
6 Laos Officials, including the Individual Defendants Sued in this Matter
7

8
9 72. Plaintiff has accumulated 68 declarations of various Hmong people who have signed
10 declarations under oath and under penalty of perjury attesting to the basic facts that they
11 have personally observed and come to know concerning Laos's campaign of atrocities
12 against the Hmong people in Laos. The following are the names of the eyewitnesses for
13 whom we have declarations:

14 1. Shue Xiong [and Supplemental Declaration of Shue Xiong]

15 2. Brandy Xiong

16 3. Frederic Vang

17 4. Helene Vang

18 5. Cha Lor

19 6. Cher Pao Xiong

20 7. Peter Lee

21 8. Tou Cha Her

22 9. Blia Xiong

23 10. Anyx Nhia Chou Vang

24 11. Bla Vang

12. Charles Cheu Yang

13. Chayee Xiong

14. Cher Pao Vang

15. Chia Moua Vang

16. Coley Tang Vang

17. Ka Vang

18. Kamai Yang

19. Koua Xiong

20. Pang Xiong

21. Kia Lor

22. Kou Yang

23. Lee Kue

24. Plia Khang Yang

25. Prentice Vaj

26. Seng Xiong

27. Shoua Moua

28. Stephen Shong Thai Lee

29. Thao Vang

30. Thao Xiong

31. Wa Tong Moua

32. Wilson Vang

33. Xao L. Thao

34. Zong Vue Lee
35. Yia Vang Xiong
36. Yang Vang Lee
37. Bee C. Lor
38. Ka Kong
39. Mee Yang
40. Her Nao Chu
41. See Vang
42. Jee Lee
43. Waseng Xiong
44. Ye Vang
45. Ka Lor
46. Mee Lor
47. America Vang
48. Keiserma Xavang
49. Tong Ku Xiong
50. Toua Tony Lee
51. Her Tru Ly
52. Va Vang
53. Victor Yang
54. Sandy Her
55. Wa Lue Xiong

1 56. Washoua Moua

2 57. Wilson C. Vang – Check if duplicate

3 58. Xia Fong Yang

4 59. Zong Vue Lee

5 60. Chang Vang

6 61. Xeng Xiong

7 62. Yong Yia Yang

8 63. Zamua Lee

9 64. Houa Xiong

10 65. Lor Lee

11 66. Sheng Ya Lee

12 67. Her Ngia”

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14
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17 73. We have not submitted these actual declarations to this complaint but instead will
18 summarize them here and will give direct quotations from those decorations. The
19 declarations themselves comprise 157 pages and are retained and kept by plaintiffs’
20 counsel.
21

22
23 74. The list of 67 witnesses to the specification of the atrocities committed by the Laos PDR
24 and Laos officials previously in charge of Laos and the Laos officials that are continuing
25 that program and who are sued herein as defendants include a substantial number of
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witnesses [12 out of 67] who provided declarations that are currently from Fresno California and other cities within the Eastern district of California.

75. A description of some of the declarations are as follows:

1. Declaration of Shue Xiong

The declaration of Mr. Shue Xiong includes a series of recent photos from an incident of March 9, 2021 attached as Exhibits A, B and C to his declaration. These photos show examples of incidents where Laos communist military officials captured a Hmong man named Chue Youa Vang, tied him to a tree, beat, tortured, and later beheaded him.

Shue's declarations and photographs are corroborated by the Government's evidence, Report by the US State Department, which gives the following description of the same incident:

"In April several UN special rapporteurs wrote a letter to the government expressing concern about the alleged March 8 killing of Chue Youa Vang, a relative of two ethnic Hmong victims from a group of four Hmong who disappeared in March 2020. The letter alleged Vang was shot and killed by soldiers as reprisal for his and other family members' advocacy for their missing relatives."

2. Supplemental Declaration of Shue Xiong

Shue Xiong's declaration includes as Exhibit B thereto photos of a 2006 incident in which Laos military officials murdered Hmong people (four photos).

1 Exhibit C to his supplemental declaration is a collection of photos obtained on the
2 internet by doing the following search: Hmong people killed by Laos Military.

3
4 3. Declaration of Brandy Xiong

5
6 The Declaration of Brandy Xiong states in part:

7
8 “2. As a Hmong person born in Laos, I was never treated as or considered to be a citizen
9 of Laos. For example, I was never given any kind of national identification card, birth
10 certificate, or a passport. I was never allowed or permitted to be involved in any kind of
11 public or civic affairs. We were allowed to live there, but were never treated as or
12 considered to be nationals of Laos.

13 3. After the Vietnam War ended (1975), the current Communist regime took over Laos,
14 and is still in charge of Laos.

15
16 4. The current Communist regime has and continues to be extremely hateful towards
17 Hmong people, because the Hmong people were asked by the USA CIA to become USA
18 soldiers in the USA secret war in Laos. After the peace treaties of 1971/1972 were
19 signed, the USA pulled out of Southeast Asia in 1975.

20 The Laos Communist regime then used its military defense forces to hunt down Hmong
21 people living in the hills and jungles of Laos, and systematically raped Hmong women
22 and young girls (as young as 10) while torturing and killing the Hmong people of all ages
23 due to their alliance with the USA CIA secret war in Laos from 1959 to 1975. The
24 genocide of the Hmong people started from 1975 until today (2022).”
25
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1 Brandy Xiong also attached her own five-page statement on the history of abuse by Laos
2 military official against Hmong people, which includes the following statements of
3 interest here:

4 “...when Thailand and the United States withdrew their troops, the Hmong nation
5 suffered from persecution, racial discrimination, genocide, torture and labelled as the
6 enemy of Pathet Lao (LPDR) and North Vietnam because of the loss of thousands of
7 lives and countless action that were perpetrated by Thailand and the United States both in
8 Laos and Vietnam during the Vietnam war era from 1960 to 1975. The Lao (LPDR) has
9 shown history of arbitrary arrests and disappearances, such as imprisonment, torture and
10 execution.
11

12 (4. Whereas the violent military campaign of Lao (LPDR) against Hmong indigenous,
13 who refused to flee the country or surrender to the government for fear of arrest, torture
14 and execution that began in 1975, more that 70,000 of Hmong indigenous men, women
15 and children out of more than 100,000 Hmong indigenous were forced from their villages
16 to the rainforest, which is so called Xaisomboun Special Zone, Northern Laos.
17

18 (5. Whereas this campaign is still ongoing and the Hmong indigenous a continue to be
19 hunted by the Lao (LPDR) military and North Vietnam mercenaries, and now the
20 Hmong indigenous were utterly wiped out from the rainforest due to starvation
21 and were killed by the Lao (LPDR) and North Vietnam mercenaries. Be advised
22 that the Hmong's problem is also the United States problem. Whereas the Hmong
23 people had defended democracy and freedom for the entire World for 15 years.
24 Whereas the Hmong had made history for the entire World to enjoy peace,
25 democracy, security and well-being for almost 50 years now.
26
27
28

(11. Whereas the Hmong were admitted to the United States as refugees and rights under the Refugees Program of the United States and United Nations, not economic immigrants. Whereas the Hmong fled Laos to Thailand and many other countries from persecution, torture and genocide. Whereas the Hmong people are not safe to repatriate back to Laos, if they return to Laos they will face execution and torture. Whereas the Hmong people were not citizens of Laos, the Hmong never have been recognized as citizens of Laos by the Lao government from the very beginning.

(12. Whereas of 05/20/1979 I have witnessed and saw with my own eyes that around 3,000 Hmong men, women and children had been killed by Lao (LPDR) soldiers and North Vietnam mercenaries in Phou Bia mountain, which was located in Xaysomboun Special Zone in Northern part of Laos. Their bodies were bloated, bubbling with tongues sticking out and eyes were popping out when their bodies started rotting. As of 06/15/1981 I had witnessed that 160 Hmong men, women and children had been taken out from the village of Than Xay in the of XaySomboun and the Province of Vientiang, Laos to the jungle with blindfolded, their hands were tied behind their backs, once they arrived to the jungle their bodies had been struck by sticks and stones from behind. As of 2008 Trillion Yang and Hakit Yang, Hmong men from Saint Paul, Minnesota disappeared in Laos during their trip to Laos .. Half million Hmong people had been killed by Lao soldiers since 1975 to this day.”

4. Declaration of Frederic Vang

1 His Declaration states in part:

2 “4. The current Communist regime has and continues to be extremely hateful
3 towards Hmong people, because the Hmong people were asked by the USA CIA
4 to become USA soldiers in the USA secret war in Laos. After the peace treaties of
5 1971/1972 were signed, the USA pulled out of Southeast Asia in 1975. The Laos
6 Communist regime then used its military defense forces to hunt down Hmong
7 people living in the hills and jungles of Laos, and systematically raped Hmong
8 women and young girls (as young as 10) while torturing and killing the Hmong
9 people of all ages due to their alliance with the USA CIA secret war in Laos from
10 1959 to 1975. The genocide of the Hmong people started from 1975 until today
11 (2022).
12

13 5. I am personally a witness to the following acts by Laos Communist military
14 forces against Hmong people in Laos:

15 [describes the killing of his brother and brother’s family while they were trying to
16 escape from Laos]”
17
18

19 5. Declaration of Helene Vang

20 Her declaration describes Lao military officials’ murder of her brother while he was *en*
21 *route* to escape and join family in Thailand.
22

23 6. Declaration of Cha Lor
24

25 His declaration states in part:
26
27
28

1 “5.I am personally a witness to the following acts by Laos Communist military
2 forces against Hmong people in Laos:

- 3 1. Vue Vang
- 4 2. Nhia Chong Vang
- 5 3. Va Vang
- 6 4. Xue Vang”

7
8
9 7. Declaration of Cher Pao Xiong

10 His declaration states in part:

11 “5.I am personally a witness to the following acts by Laos Communist military
12 forces against Hmong people in Laos:
13my older brother had passed away from suffering under Laos communist. My
14 older brother is Kou Xiong”

15
16
17 8. Declaration of Peter Lee:

18 His declaration states in part:

19 “5.I am personally a witness to the following acts by Laos Communist military
20 forces against Hmong people in Laos:

- 21 1. Chong Lee
 - 22 2. Kia Thao
 - 23 3. Bong Lee
 - 24 4. Xiogn Tou Lee”
- 25
26
27
28

1 9. Declaration of Tou Cha Her:

2 His declaration states Laos communist regime killed grandmother on November 13,
3 1975; and killed his uncle in April 19, 1975.
4

5 10. Declaration of Blia Xiong:
6

7 Her declaration states in 1976, her uncle Chia Lee Xiong and his two sons were killed by
8 communist regime in Laos; and in 1979, her father and her daughter by the communist
9 regime.
10

11 11. Declaration of Anyx Nhia Chou Vang:
12

13 His declaration states three brothers were in Vang Pao's army, and were killed by Laos
14 communists in 1974 and one in 1990.
15

16 12. Declaration of Bla Vang:
17

18 His declaration states in part: "Lost my dear mother and brother due to the Loo PDR
19 ambushing our village in Laos in 1979."
20

21 13. Declaration of Charles Cheu Yang:
22

23 His declaration states in part: "My Mom, dad, and sister were killed by the Lao PDR in
24 1975."
25

26 14. Declaration of Chayee Xiong:
27
28

1 His declaration states in part: “My village had been destroyed in 1975 and the Lao
2 soldiers killed one of my brothers. In 1979, another brother of mine had been tortured and
3 murdered”

4
5 15. Declaration of Cher Pao Vang:

6 His declaration states in part:

7 “In May of 1977, there were airplanes that released a chemical known as “yellow
8 rain” upon the Hmong villages. My mom went to the garden to pick a few herbs
9 and vegetables to cook a meal. She somehow got in contact with the chemical and
10 passed away from it overnight.

11 Another instance of these hateful act happened in 1979 to my aunt Mao Vane. She
12 went out one day to harvest some wheat. on the way home, she was shot point
13 blank and died on the scene. we couldn't even bring her body back to prepare a
14 proper burial for her.”

15
16
17 16. Declaration of Chia Moua Vang:

18 His declaration states that his uncle is still in the jungle of Laos; his uncle’s families were
19 killed by Laos government.

20
21
22 17. Declaration of Coley Tang Vang:

23 His declaration states the following victims of the Laos PDR regime:

24 Yeng Vang – uncle killed by Laos Communists

25 Yeng Vang – other uncle, shot and killed with AK-47 by Laos Communists
26
27
28

1 Ying Yang – uncle from Mom’s side; shot and killed

2 Xia Dang Yang – my uncle from mom’s side – tortured and killed

3
4 These occurred around 1981.

5
6 18. Declaration of Ka Vang:

7 His declaration states: “Song Chong Yang,, Tou Lee Yang, Nhia Long Yang, Xao Vue
8 and his family’s five people; Ger Vang Wa Tong’s wife; Pao Xa Teng Vang, still more I
9 can’t remember, when I came across a Meakhong River I saw more than 15 people dead”
10

11 19. Declaration of Kamai Yang:

12 Her declaration states in part: “Lao PDR used weapons and chemical to eliminate the
13 Hmong people, our writing system, and religion. They destroy our homes, farms,
14 livestock, cookware, and clothes”
15

16
17 20. Declaration of Koua Xiong:

18 His declaration states in part: “My parents and siblings perished in the jungle of Lao due
19 to being hunted like animals by the Lao government. I am an orphan to this very day
20 because the Americans enlisted young Hmong men and women to assist the US Army
21 and teach them guerilla warfare.”
22

23 **Plaintiffs’ Own Direct Experience with Being Victims of the Atrocities Committed by the**
24 **Laos People’s Democratic Republic**

25 76. We submit the following personal stories of each of the plaintiffs in this action as further
26 evidence of the campaign of atrocities committed by Laos against Hmong people,
27 including the plaintiffs named herein:
28

1 77. Seng Xiong

2 The following information about Plaintiff Seng Xiong is taken directly from testimony
3 given under oath and under penalty of perjury during the September 23, 2022 merits
4 hearing on his application for protection under the Convention against Torture before the
5 United States Immigrations Court in El Paso Texas, Hon. Michael Pleters, Judge
6 presiding:. See Reporter Transcript, page 45, lines 5-23:

7 “Q. You mentioned that if these people try to go to Laos, they might not be allowed
8 in...Let me ask that about you...If you were -- if you showed up right now to the Laos
9 Airport, do you think they would let you in?

10 A. No, they will take me into custody right away.

11 Q. So you wouldn't -- you would be taken somewhere besides -- you would not be
12 allowed to just walk through the airport, you know, get in front of the airport, get a taxi,
13 and take off?

14 A. No, no, not in Laos, no.

15 HONORABLE JUDGE M. PLETTERS:...Why is that, sir? Hold on. Why is that, sir?

16 SENG XIONG: Because they know who I am. Reported by Dr. Yang Dao and other
17 people to the Lao embassy in Washington, DC, and in Vientiane, so they know who I
18 am...Because I have raised the Hmong prosecution at the United Nations and also with
19 US State Department and US Senate, so they know -- they all know who I am.”

20 See also Reporter’s Transcript, page 25, line 8 - page 26, line 5 [ROA.0031]:

21 “Q. Did your father -- was he actually any kind of a soldier for the US CIA?

22 A. No, my dad wasn't, no.
23
24
25
26
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28

1 Q. Was anyone in your family -- uncles, aunts, grandmother, grandfather, anybody like
2 that -- a soldier for the US CIA Army?

3 A. Yes, my -- my -- my uncle, my brothers -- younger brother. ··He's the -- he's a soldier
4 for Vang Pao.

5 Q. And what was your understanding about the Laos government's killing of Hmong
6 people, did they want to kill all of them or a subpart of them or what?

7 A. Only people who had sided with Vang Pao.

8 Q. And was your family on the side of Vang Pao?

9 A. Yes, my family was, yes.

10 Q. Okay. And so your family, would you consider -- well, were members of your family
11 killed by Laos military?

12 A. My dad's cousin is killed by the -- from what I understand was probably Pathet Lao's
13 regime in the Eastern Laos, yes.

14 Q. Okay. You were -- you and your family were able to get out, though; is that the case?

15 A. Yes. We got out before the -- Pathet Lao take over the country.”

16 See also Reporter's Transcript, page 20, lines 10-20, where Seng Xiong describes who
17 Vang Pao is:

18 “SENG XIONG: Vang Pao, yes.

19 HONORABLE JUDGE M. PLETTERS: He was a Hmong general?

20 SENG XIONG: He's a Hmong general recruited by the Mr. -- [unintelligible] -- which is
21 a CIA agent that sent by -- [unintelligible] -- from the PAO United States to recruit the
22 Hmong people in -- [unintelligible] -- in Laos to fight against Communist Pathet Lao and
23 Vietnamese Army --
24
25
26
27
28

HONORABLE JUDGE M. PLETTERS: Okay.

SENG XIONG: -- in Central Laos.”

78. Thao Xiong

Plaintiff Thao Xiong has the following personal information:

Plaintiff Thao Xiong was born in 1966 in the town of Doung Pahim, Xiengkouang, Laos.

He currently lived in Minneapolis, Minnesota. He is 56 years of age as of 2023. His dad,

Xia Vue Xiong, was an Army Officer of the French Foreign Legion in Indochina. His

older brother, Tong Yang Xiong was a soldier for General Vang Pao until 1973.

When the Cease Fire Agreement signed in 1973 in Vientiane, Laos, his family was in

Moung Cha, Province of Xiengkhouang. They were there until 1975 when they heard that

the Communist Pathet Lao going to punish Hmong people who fought with Vang Pao.

They decided to leave the country, when they reached the town Him Heu, they were

ambushed by Lao Communist forces. Many people died and they turned back and

decided to hide in the jungle from 1975 to 1984. During this time he has witnessed many

Hmong people who have taken refuge in the jungle being killed by Lao and Vietnamese

soldiers; he has took up arms to defend against Communist Lao and Communist

Vietnamese forces while he was in the jungle of Laos. He left Laos in 1984 to Thailand

crossing jungles and the Mekong River. He was stationed in the Refugees camp in Ban

Vinai for 5 years. He left Thailand to the United States, settled in Marysville, California

in 1989.

He joined the World Hmong People’s Congress in 2005 to pursue Self-determination. He

has advocated with World Hmong People’s Congress at the United Nations Headquarters

in New York City in 2005 and 2007 to lobby the International Communities to stop the

Hmong genocide in the Lao PDR.

1 In 2014, he became a member/supporter of Hmong Tebchaws or Hmong Country
2 movement in Fresno, California. A Hmong Country is the only way they can protect
3 ourselves from persecution.

4
5 79. Lor Vang

6 Plaintiff Lor Vang has the following personal information:

7 Plaintiff Lor Vang was born in 1966 in the town of Tani, MOUNG MOG, Province of
8 XIENGKHOUANG, Laos. His dad, Za Teng Vang, was a local militia Officer for General
9 Vang Pao. His dad would sometime go to meet with General Vang Pao in Long Cheng
10 for briefing of the war against communist forces.

11 When the Cease Fire Agreement was signed in Vientiane, Laos in 1973, his family did
12 not know anything about it. When the Communist Lao soldiers came to his town and
13 started to destroy their crops, arresting leaders, elders and attacking them in 1976, they
14 decided to hide in the jungle until 1978 when his dad took the family to Thailand.

15 When they reached Thailand, they stayed in Nong Khai for a few years before they were
16 transferred to the Refugees camp in Ban Vinai. When the Refugees camp was closed in
17 Ban Vinai, they were transferred to Ban Napho and then to Wat Tham Krabok sanctuary
18 temple. They remained there until early 2004 when they were given Refugees visa to
19 come to the United States. They settled in Milwaukee, Wisconsin in September, 2004.

20 He joined the Hmong Tebchaws, Hmong Country Mission in 2014 in Fresno, California
21 as a supporter for his has seen many videos and pictures of Hmong girls, boys and elders
22 being killed and slaughtered by Lao Communist forces in Laos. He felt that he had to do
23 something to save the Hmong people.

24 He believes that a Hmong Country will save their people from acts of violence,
25 discrimination, to have peace, freedoms and salvation.
26
27
28

1 80. Lue Vang

2 Plaintiff Lue Vang has the following personal information

3 Plaintiff Lue Vang was born in 1963 in the Hmong village of Doung Tho,
4 Xiengkhouang, Laos. His dad, Xia Soua Vang, was a local soldier for General Vang Pao.
5 His dad's role is to guard the town, relay information on the war to the local residence.
6 His dad told us that there was a Cease Fire Agreement in Vientiane to end the war, but
7 his did not believe that they would be safe and decided to leave Laos. They went to
8 Thailand sometime late in 1975. They were stationed in Non Khai, Thailand for a while
9 until they were transferred to the Refugees camp in Ban Vina. They remained there until
10 1980 when we were interviewed by US government officials and given entrance into the
11 United States. They settled in Santa Ana, California.

12 His dad was a Member of General Vang Pao political organization, Neohom, based in
13 Orange County, California to retake the Country back from Communist Lao. He
14 supported General Vang Pao until Pao's death in 1997.

15 He joined and supported the Hmong Country movement to establish a Hmong Country in
16 2015 when he heard it on a conference call (712) 432 -5232. He believed that the Hmong
17 have to have a country of their own so no one can hurt them or destroy them. He will do
18 anything to help the Hmong Country project.
19

20
21 **V.**
22 **VIOLATION OF VIETNAM WAR ERA PEACE TREATIES AND WAR CRIMES**
23 **TREATIES**

24 81. Plaintiffs assert the following violations of the series of Vietnam era peace treaties as
25 well as war crimes treaties that have become the laws of nations. which Laos is bound by,
26 and which Laos has violated.
27
28

1 82. Plaintiffs seek to enjoin the Laos government and the individual defendants herein from
2 further atrocities and violation of these treaties, and cite these treaties as something that
3 they each as a third party can enforce. See e.g., *Kolovrat v. Oregon*, 366 U.S. 187 (1961)
4 (enforcing a Yugoslav citizen's right under U.S.-Serbia treaty to inherit personal property
5 located in Oregon); *Clark v. Allen*, 331 U.S. 503 (1947) (enforcing a German citizens'
6 right to inherit property in California).

7
8 83. The 1973 Vientiane Ceasefire Agreement provides the following provisions which
9 Plaintiff claims were violated by the Defendants atrocities committed against the Hmong
10 people, including Plaintiffs herein:

11 Article 1 para B [Excerpts of the 1973 Vientiane Ceasefire Agreement]:

12 “The 9 July 1962 communique on the neutrality of Laos and the 1962 Geneva Agreement
13 on Laos are the correct basis of the policy of peace, independence and neutrality of the
14 Kingdom of Laos.”

15
16 Article 2:

17 “Beginning at 1200 (0500 GMT-FBIS) on 22 February 1973, a cease-fire in place will be
18 observed simultaneously throughout the territory of Laos.”

19
20 Article 5:

21 “The two Laos sides will repatriate all persons, regardless of nationality, who were
22 captured or detained because they collaborated with one side or the other in the war”

23 Article 6:

24 “General free and democratic elections are to be carried out to establish the national
25 assembly and permanent national coalition government, which are to be the genuine
26 representatives of the people of all nationalities in Laos.”

1 84. The 1973 Vientiane Ceasefire Agreement for Laos required a cessation of war activity,
2 yet Laos commenced a war against Hmong people. The cease fire agreement required
3 democratic elections which never happened. They should happen now.

4
5 85. The 1973 Vientiane Ceasefire Agreement further requires Laos to comply with the 1962
6 Geneva Convention, which makes illegal certain war activities including use of chemical
7 poisons; use of rape; genocide; torture; mutilation; organ removal.

8
9 86. The 1962 Geneva Convention is cited separately as its own treaty violated by the above
10 described atrocities committed under the official policy of the country of Laos against
11 Hmong people including: war crimes; use of rape; chemical warfare; mutilation and
12 torture.

13 87. The following provisions of the 1962 Geneva Convention were violated by Defendants
14 conduct:

15 Part III, Article 3 of the 1962 Geneva Convention the following:

16 “In the case of armed conflict not of an international character occurring in the territory of
17 one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a
18 minimum, the following provisions:

19 (1) Persons taking no active part in the hostilities, including members of armed forces who
20 have laid down their arms and those placed hors de combat by sickness, wounds,
21 detention, or any other cause, shall in all circumstances be treated humanely, without any
22 adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any
23 other similar criteria. To this end, the following acts are and shall remain prohibited at any
24 time and in any place whatsoever with respect to the above-mentioned persons:

25 (a) violence to life and person, in particular, murder of all kinds, mutilation, cruel
26 treatment and torture;

27 (b) taking of hostages;
28

1 I outrages upon personal dignity, in particular, humiliating and degrading treatment;
2 (d) the passing of sentences and the carrying out of executions without previous judgment
3 pronounced by a regularly constituted court, affording all the judicial guarantees which are
4 civilized⁵⁵as indispensable by civilized peoples”

5
6 Part III, Article 27 of the 1962 Geneva Convention provides: “Women shall be especially
7 protected against any attack on their honour, in particular against rape, enforced
8 prostitution, or any form of indecent assault.”

9
10 Part III, Article 32 of the 1962 Geneva Convention provides:
11 “The High Contracting Parties specifically agree that each of them is prohibited from
12 taking any measure of such a character as to cause the physical suffering or extermination
13 of protected persons in their hands. This prohibition applies not only to murder, torture,
14 corporal punishment, mutilation and medical or scientific experiments not necessitated by
15 the medical treatment of a protected person, but also to any other measures of brutality
16 whether applied by civilian or military agents. No protected person may be punished for
17 an offence he or she has not personally committed. Collective penalties and likewise all
18 measures of intimidation or of terrorism are prohibited. Pillage is prohibited.
19 Reprisals against protected persons and their property are prohibited.

20 88. The following further treaty is invoked as violated by Defendants conduct: 1966
21 International Covenant on Civil and Political Rights.

22
23 89. The conduct of Defendants constitutes a violation of international law and treaties in that
24 the Defendants used an official military and legal campaign constituting an act of war
25 against the Hmong people; in complete defiance of the 1973 Vientiane Ceasefire
26 Agreement.

1 90. The campaign of atrocities against the Hmong people, occurred as a direct result of the
2 Laotian Communist regime's refusal to implement one of the key provisions of the 1973
3 Vientiane Ceasefire Agreement, which was the requirement that the government of Laos
4 hold Democratic Elections. Plaintiffs submit that had democratic elections occurred and
5 democratically elected officials been placed in charge of the governing of Laos, that this
6 campaign of horrors would have stopped right then and there.

7
8 91. Plaintiffs claim this because the good people of Laos, its rank and file citizenry, where
9 not part of the campaign against Hmong people.

10
11 92. The 1966 International Covenant on Civil and Political Rights [provides the following
12 provisions which Plaintiffs claim were violated by Defendants conduct:

13 Article 2, 1966 International Covenant on Civil and Political Rights: "Each State Party to
14 the present Covenant undertakes to respect and to ensure to all individuals within its
15 territory and subject to its jurisdiction the rights recognized in the present Covenant,
16 without distinction of any kind, such as race, colour, sex, language, religion, political or
17 other opinion, national or social origin, property, birth or other status."

18 Article 6, Part 1, 1966 International Covenant on Civil and Political Rights:

19 "Every human being has the inherent right to life. This right shall be protected by law. No
20 one shall be arbitrarily deprived of his life."

21
22 Article 9 1966 International Covenant on Civil and Political Rights:

23 "1. No one shall be subjected to arbitrary or unlawful interference with his privacy,
24 family, home or correspondence, nor to unlawful attacks on his honour and reputation.

25 2. Everyone has the right to the protection of the law against such interference or
26 attacks."

Article 16, 1966 International Covenant on Civil and Political: “Everyone shall have the right to recognition everywhere as a person before the law”

Article 26 of the 1966 International Covenant on Civil and Political Rights states: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

V.
FIRST CLAIM FOR RELIEF FOR VIOLATION OF THE ALIEN TORT CLAIMS ACT

[Plaintiffs Seng Xiong, Thao Xiong, Lor Vang, and Lue Vang Against all Defendants]

93. This is a First Claim for Relief for Violation of the Alien Tort Claim Act, by Plaintiffs Seng Xiong, Thao Xiong, Lor Vang, and Lue Vang against defendants Lao People’s Democratic Republic; President Thongloun Sisoulithis; Prime Minister Sonxai Siphandon; Souansavan Vi-gnaket, Minister of Justice; General Chansamone Chanyalath, Minister of Defense; Lieutenant General Vilay Lakhamfong, Minister of Public Security; and Dr. Yang Dao.

94. The preceding paragraphs of the Complaint are incorporated herein as though set forth in full.

95. The defendants and each of them committed a series of intentional torts against each of the plaintiffs in the form of creating an official policy of the Lao PDR to generally commence a campaign of horrors and atrocities against all Hmong people whose family

1 members were connected to the USA CIA secret war in Laos during the Vietnam War
2 era.

3
4 96. The particulars of those atrocities and campaign of whores have been specified above and
5 will be generally referenced in this claim for relief as the atrocities committed against the
6 Hmong people in Laos.

7
8 97. The torts and actionable wrongdoings that arose from that conduct include the following
9 intentional torts that each of the Plaintiffs were individually and personally aggrieved by,
10 as was further set forth above:

11
12 98. Violation of each Plaintiff's right to peaceful and quiet enjoyment of their homes and
13 property in Laos after the peace treaties were entered into. Instead of permitting peaceful
14 coexistence between the Hmong people and the Laos Communist regime, the Communist
15 regime went after the Laos people in a campaign of horrors and atrocities, which required
16 for survival the Hmong people generally to flee into the jungles. Plaintiffs fled the
17 country of Laos, and made their way over to Thailand, where they became refugees. They
18 had to give up all of their homes, possessions, and belongings, including their real
19 property their personal property livestock basically their entire lives were removed from
20 where they had grown up where they had lived The only place they really had known.
21 Each of the plaintiffs left louse for Thailand became refugees in Thailand and were
22 granted refugee visas to come to USA, came to USA, and became permanent residency
23 visa holders in the USA. Each of the plaintiffs is currently in USA as a green card holder
24 and is thus in the category of an alien asserting this tort claim.

25 99. Each of the plaintiffs have a prospective economic advantage in the form of the creation
26 of a Hmong homeland. The Lao People's Democratic Republic, with the direct
27 participation of the named individual defendants herein, and with the assistance of Laos
28

spies and operatives based in the territory of the USA, and as described above, have intentionally and willfully interfered with plaintiffs' prospective economic advantage by taking steps to eliminate plaintiff's attempts to establish that Hmong homeland.

100. The defendants and each of them accomplished this interference by making sure through their spying efforts that the process of establishing a separate country for the Hmong people would never happen.

101. One of the events that led to a complete cessation of the Hmong homeland campaign was done by defendant Yang Dao, who gave false police reports to the Minnesota Police department that the Hmong homeland program was actually some kind of an illegal gambling ring. There was never any kind of prosecution for any kind of illegal gambling ring, but the false reporting of the illegal gambling ring was enough to cause the Minnesota Police Department to refer the matter over to the USA Secret Service. The USA Secret Service agents then got involved, and completed a different kind of investigation into a claim of wire fraud and mail fraud. That claim was based on the notion that the Hmong homeland campaign, of which all plaintiffs have been directly and personally involved in, was actually a fraud to just collect money up from Hmong people without any intent of ever actually establishing a Hmong homeland. This was a false report in that plaintiff's at all times duly intended to set up a monk country, and still have that general intent and are still undertaking efforts to establish a Hmong homeland.

102. The US federal government took the position that such a Hmong homeland would require official USA permission and or official United Nations permission, and that Plaintiff Seng Xiong never obtained that permission.

103. Unfortunately, the jury accepted that thesis, and convicted Seng Xiong during 2017 following a federal court trial in the United States District Court for the District of

1 Minnesota. Seng Xiong was sentenced to 8 years in prison, and was released from that
2 imprisonment during May 2022.

3
4 104. The other plaintiffs were not prosecuted in any way, shape, or form from that
5 action.

6
7 105. When the United States government arrested Seng Xiong, they also took
8 approximately \$1.2 million in donation funds that had been given over to the Hmong
9 homeland effort. These funds were obtained as a budget to purchase lands in some
10 willing post country. As of the time of his arrest, the target country to serve as a host
11 country was Thailand. The concept was that the Hmong homeland campaign would
12 purchase a large track of land in the northern part of Thailand, which before the end of
13 the Vietnam War, actually belonged to Laos and was ceded over by treaty to Thailand.
14 Seng Xiong was actually headed to Thailand to do negotiations and discussions with high
15 officials about whether they would be willing to host a Hmong homeland inside their
16 country.

17
18 106. The concept is similar to what USA does with Native American tribes. The USA
19 regularly allows USA tribes to operate sovereign land holdings called reservations, in
20 which Native Americans are permitted to operate a sovereign nation of their people,
21 complete with their own court systems; legislative bodies; executive branches in the form
22 of tribal councils; and to conduct the regular aspects of governmental sovereignty that a
23 country normally would possess; such as economic self-determination; business
24 activities; housing development so people would have a place to live; education systems
25 so people would have a place to learn; health systems so people could tend to their health
26 needs; law enforcement officials so that there would be keepers of the peace; and citizen
27 acceptance and approval systems that allowed for new members to arrive to the Native
28 American nations, and become citizens of that nation.

1 107. In the same way, the Hmong people seek to establish such a country/homeland in
2 a country to have the normal sovereign rights of a country as specified above in the
3 analogy of the Native Americans, and to do all those things that countries normally do for
4 their citizens.

5
6 108. The arrest of Seng Xiong brought the Hmong country/homeland program to a
7 standstill. The government seized all the funds that would have been used and made
8 available to buy land, and rather than allowing that program to go forward, stopped it in
9 its tracks.

10
11 109. As noted above, plaintiffs have continued to work on the campaign to establish a
12 country/ homeland for the Hmong people and have not given up hope on this extremely
13 important effort on behalf of the Hmong people.

14
15 110. Further torts committed by the Defendants and each of them include the murder
16 and torture of Plaintiffs' immediate family members, thus the intentional tort of
17 intentionally assaulting and killing the plaintiffs family members. as specified above.

18
19 111. The conduct in implementing a policy that continues through to this writing also
20 constitutes the intentional tort of infliction of extreme emotional distress causing each of
21 the plaintiffs general damages.

22
23 112. The conduct in eliminating all possibility of residing peacefully in Laos after the
24 war, constitutes the intentional tort of interference with and breach of the right to
25 peaceful enjoyment of their property and land.

26
27 113. The conduct in interfering with plaintiff's efforts to establish a Hmong Homeland
28 constitutes the intentional tort of intentional interference with prospective economic

1 advantage. From the spying efforts of the defendants USA-based spies including
2 defendant Dao, the defendants had actual knowledge of the plaintiffs' prospective
3 economic advantage in terms of their efforts to locate and establish a place where Hmong
4 people could call home. The defendants intentionally took the efforts described above to
5 interfere with that perspective economic advantage with the intent to ruin and destroy all
6 hopes, dreams, and activities of the plaintiffs to form a Hmong homeland somewhere on
7 Earth.

8
9 114. These intentional torts are all intertwined with one another, and are further part
10 and parcel of the overall campaign by the Laos Communist regime and each of the
11 defendants herein to commit a series of war crimes and atrocities against the among
12 people generally and including the plaintiffs specifically.

13
14 115. As such because the defendants have committed war crimes there is no political
15 immunity for war crimes, nor is there any statute of limitations for commission of these
16 war crimes.

17
18 116. The November 11, 1970 Convention on the Non-Applicability of Statutory
19 Limitations to War Crimes and Crimes Against Humanity was adopted and opened for
20 signature, ratification and accession by United Nations General Assembly resolution
21 2391 (XXIII) of 26 November 1968. Pursuant to the provisions of its Article VIII (90
22 days following the deposit of the tenth ratification), it came into force on 11 November
23 1970.

24 117. The Convention provides that no signatory state may apply statutory
25 limitations to:

- 26 • War crimes as they are defined in the Charter of the Nürnberg International Military
27 Tribunal of 8 August 1945.
28

1 Crimes against humanity, whether committed in time of war or in time of peace, as
2 defined in the Charter of the Nürnberg International Military Tribunal, eviction by
3 armed attack or occupation, inhuman acts resulting from the policy of apartheid, and
4 the crime of genocide as defined in the 1948 Convention on the Prevention and
5 Punishment of the Crime of Genocide

6
7 118. The conduct of the defendants and each of them constitutes war crimes and
8 violations of war crimes treaties also specified above.
9

10 119. The conduct of defendants and each of them further constitute violation of treaties
11 created during the process of ending the Vietnam War during 1973 to 1974, and as
12 specified above. The peace treaties included a general ceasefire, a stoppage of all war
13 activity, and an end to the war. The peace treaties called for democratic elections in Laos.
14 Instead of doing democratic elections, the Lao People Democratic Republic installed a
15 communist system without any kind of election concept at all, which was based on the
16 typical communist programs where their leaders are appointed for life to rule the country
17 as a dictator. This was what was done in Laos, and as was also done elsewhere in
18 Vietnam, North Korea, the Soviet Union, and China.
19

20 120. The peace treaty sought to protect the Lao Hmong people and the Lao people as
21 well. The defendants openly violated the material aspects of those peace treaties by
22 rounding up all Laos intellectuals and royals, and putting them into concentration camps
23 [or prisons, as they really are], which they euphemistically referred to in the Communist
24 nomenclature as re-education camps. Most members of the royal family, including the
25 King and Queen of Laos perished in these camps. Some got away and are still alive in
26 Canada and in France. Many other Lao people died in these reeducation camps. The
27 Hmong people fled to the jungles, where they were hunted like animals, shot down from
28

1 the sky, poisoned with ammunition left behind by the USA government when it left Laos,
2 which included helicopters, airplanes, and barrels of poison that were dumped down into
3 the jungles where the Hmong people hid, and destroyed their rivers, forests, and generally
4 the entire ecosystem of the jungle. Lao soldiers were ordered to undertake a campaign to
5 go into these jungles find the Hmong people, shoot them on site, rape the girls, torture the
6 men and women alike, poison the elderly, and basically kill all of them. Estimates in the
7 press are that something like over 300,000 Hmong people were killed in this process. The
8 campaign is an ongoing genocide in Laos. There are believed to be somewhere around
9 3,000 Hmong people still left in these jungles that are still actively being hunted, killed,
10 and murdered by the Lao PDR as part and parcel of its campaign to eliminate the Hmong
11 people.

12 121. As part and parcel of these atrocities committed by defendants and each of them,
13 they have also commenced upon a campaign to make sure that the Hmong people can
14 never have their own homeland. The defendants, and each of them, have taken
15 affirmative steps, including activities in the territory of the USA to stop the Hmong
16 Homeland effort, and to make sure that the Hmong people never have a place to call
17 home.

18
19 122. The defendants, and each of their, behavior and conduct in these matters were
20 intentional willful obscene and done with conscious disregard and deliberate indifference
21 to the rights of the plaintiffs herein, as well as all other individuals including the Laos
22 royal family members, Laos nationals, and Hmong peoples' right to exist peacefully in
23 Laos.

24
25 123. The behavior and conduct of the defendants and each of them was a substantial
26 factor in causing each of the plaintiffs substantial general damages for the loss of their
27 homeland and country land, for the loss of their family members, for the loss of their
28

1 right to peacefully stay in Laos, and for the loss of their effort to establish a new Hmong
2 homeland. Each plaintiff claims damages in the amount of \$20 million US dollars for a
3 total of \$80 million US dollars against each of the defendants herein, or such other
4 amount of damages as is according to proof.

5
6 124. Plaintiffs further seek and request equitable relief and injunctive relief in the form
7 of a temporary restraining order, a preliminary injunction, and a permanent injunction
8 barring the defendants and each of them from taking any further efforts to interfere with
9 the Plaintiffs' program to establish a Hmong Homeland somewhere on this Earth.
10 Plaintiffs are still actively seeking a host country to permit such a homeland and are
11 actively searching in Philippines, Thailand, and in the USA.

12
13 125. This injunctive relief requests that the defendants and each of them be barred by
14 any further conduct to interfere with the program to establish a Hmong homeland, or such
15 other injunctive relief as a court deems just an appropriate.

16
17 126. Plaintiffs further seek injunctive relief in the form of an order requiring the last
18 government and defendants named herein to abide by the peace treaties and hold
19 democratic elections as they agreed to in the peace treaties.

20
21 127. This injunctive relief requests further orders requiring the Laos government and
22 the defendants named herein to cease and desist from any further war crimes against the
23 Hmong people, including the genocide of the Hmong people; the rape, torture, and
24 murder of the Hmong people; the destruction of the jungle where the Hmong people are
25 currently hiding out in; and other crimes according to proof committed by the defendants
26 herein. This conduct is ongoing, and is expected to be continued until every single
27 Hmong person having direct or family involvement in the USA CIA's secret war in Laos
28 is wiped off the face of the Earth.

1 128. Plaintiffs have suffered and will continue to suffer irreparable harm in the form of
2 losing their homes property and life in Laos, and due to the interference with the
3 plaintiffs' efforts to establish a Hmong homeland, and other irreparable harms for which
4 plaintiffs are without an adequate remedy at law.

5
6 129. Plaintiffs further seek such other injunctive relief as the court deems just and
7 appropriate.

8
9 130. Plaintiffs seek further equitable relief in the form of an accounting to determine
10 appropriate restitution amounts that the defendants should be required to pay over to the
11 plaintiffs as a result of the defendants taking over the plaintiffs' lands, property, and
12 holdings and using those lands property and holdings for their own purposes to the
13 detriment and loss of each of the plaintiffs. The amount of restitution claimed herein is
14 not known to the plaintiffs, but is believed to be in excess of \$1 million each, and is
15 requested in an amount according to proof.

16 131. Plaintiffs by this action also requires such other further equitable, restitutionary,
17 and other provisional remedies as the Court deems just and appropriate.

18
19 132. Plaintiffs in each of them for their request exemplary damages against defendants
20 Lao People's Democratic Republic; President Thongloun Sisoulithis; Prime Minister
21 Sonxai Siphandon; Souansavan Vi-gnaket, Minister of Justice; General Chansamone
22 Chanyalath, Minister of Defense; Lieutenant General Vilay Lakhamfong, Minister of
23 Public Security; and Dr. Yang Dao for their willful, oppressive, fraudulent, obscene, and
24 conscious disregard and deliberate indifference to plaintiffs rights, in an amount
25 according to proof and commensurate and proportionate with whatever level of
26 compensatory damages are awarded against the defendants, and in the approximate
27 amount of \$20 million for each plaintiff against each defendant named herein.
28

133. Plaintiffs and each of them further seek declaratory relief in the form of an order by the Court declaring that the defendants' behavior and conduct as discussed in this complaint was actually and factually committed by the defendants, and that such behavior violates the Alien Tort Claims Act, that such behavior is continuing in nature and is expected to continue into the reasonably foreseeable future, that the plaintiffs will be irreparably harmed by such behavior and that unless until injunctive relief is given the plaintiff's will continue to suffer irreparable harm, and such other declaratory orders and relief as the court deems just and appropriate.

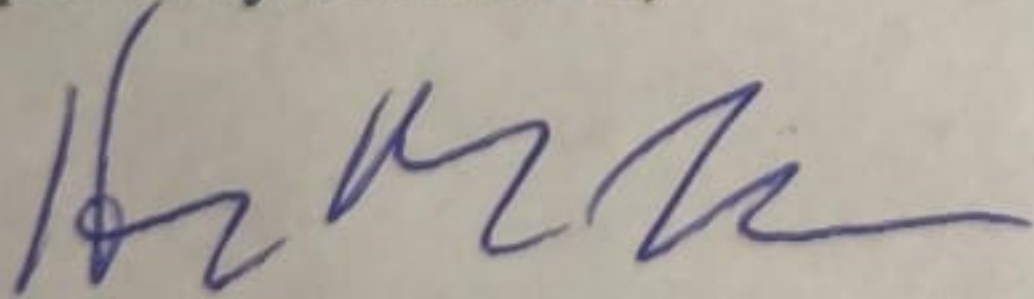
VI. PRAYER FOR RELIEF

Wherefore Plaintiffs Seng Xiong, Thao Xiong, Lor Vang, and Lue Vang pray for relief as follows:

1. For a judgment in each of plaintiffs Seng Xiong, Thao Xiong, Lor Vang, and Lue Vang's favor and against each of the named defendants Lao People's Democratic Republic; President Thongloun Sisoulithis; Prime Minister Sonxai Siphandon; Souansavan Vignaket, Minister of Justice; General Chansamone Chanyalath, Minister of Defense; Lieutenant General Vilay Lakhamfong, Minister of Public Security; and Dr. Yang Dao adjudging the defendants in each of them to be liable to plaintiffs for violation of the alien toward claims act, 28 U.S.C section 1350, for the commission of the intentional torts discussed and described above, and that each of the plaintiffs shall be awarded compensatory damages as requested above in the amount of \$20 million for each plaintiff for a total of \$80 million US dollars against each and all defendants jointly and severely, or in such other amounts according to proof.
2. For injunctive relief as requested above or such other injunctive relief as the Court deems just and appropriate.

3. For an accounting, restitutionary remedies, and other provisional remedies as requested above and as the Court deems just and appropriate.
4. For exemplary/punitive damages against each of the defendants Lao People's Democratic Republic; President Thongloun Sisoulithis; Prime Minister Sonxai Siphandon; Souansavan Vi-gnaket, Minister of Justice; General Chansamone Chanyalath, Minister of Defense; Lieutenant General Vilay Lakhamfong, Minister of Public Security; and Dr. Yang Dao in an amount according to proof, but at least \$20 million for each plaintiff for a total of at least \$80 million against each defendant jointly and severally, or in such amount as the Court deems just and appropriate according to proof.
5. For declaratory relief as requested above for such other declaratory relief as the Court deems just and appropriate.
6. For such other further relief as a court deems just and appropriate.
7. For court cost incurred in the filing and prosecution of this case.

Respectfully Submitted,



/s/ Herman Franck, Esq.

November 2, 2023

Herman Franck, Esq.

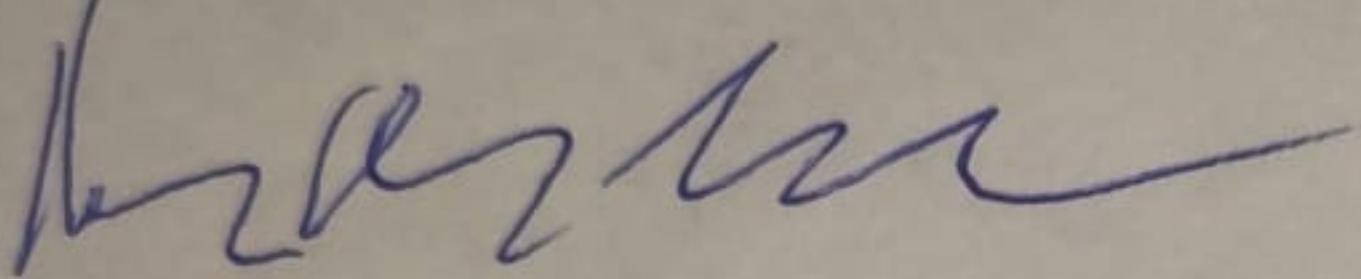
Attorney for Plaintiffs

Seng Xiong, Thao Xiong, Lor Vang, and Lue Vang

DEMAND FOR JURY TRIAL

Plaintiff herewith submit this DEMAND FOR JURY TRIAL, and request a jury trial as to all claims asserted herein that are triable to a jury.

Respectfully Submitted,



/s/ Herman Franck, Esq.

November 2, 2023

Herman Franck, Esq.

Attorney for Plaintiffs

Seng Xiong, Thao Xiong, Lor Vang, and Lue Vang

LIST OF EXHIBITS

Exhibit A: United States CIA report on the Lao People's Democratic Republic

Exhibit B: Submission of statements by the United States Attorney for the Eastern District of California regarding its reasons for dismissing the criminal case against general Pao and other Hmong defendants (not Plaintiffs herein) that admit a host of lies were used in that case. These statements are made to support Plaintiffs' contentions and allegations that the Laos government does operate a spy network in the territory of the United States and in the Eastern District of California to spy on Hmong people and to falsely report peaceful activities as being criminal activities leading to false prosecutions and a dismissal.

Exhibit C: Excerpts of Appellants' Openign Brief in Vang et al. v. Decker et al., Ninth Circuit Court of Appeals Case No. 16-15443

Exhibit D: Declaration of Cher Pao Xiong describing how he was not a victim of Seng Xiong's mission to create a Hmong homeland/country

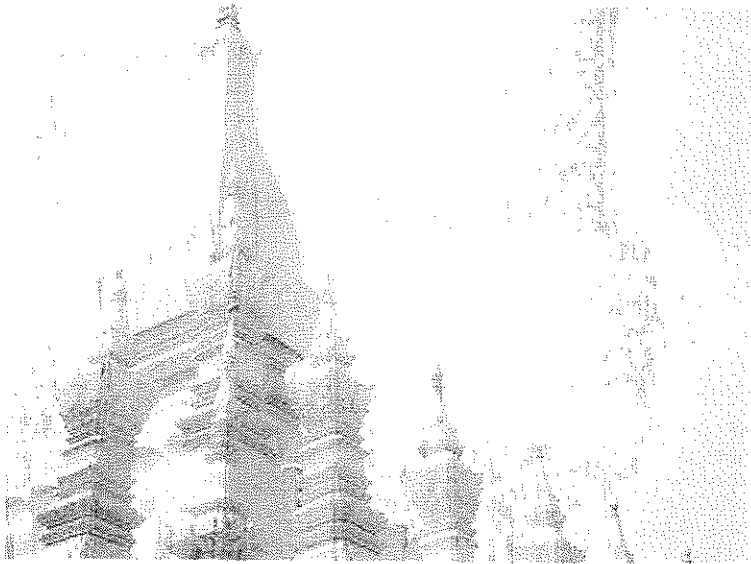
Exhibit E: Declaration of Pao Xiong describing how he had not received back his entire contribution to the Hmong homeland mission as restitution resulting from Seng Xiong's criminal case

Exhibit A

Explore All Countries Laos

East and Southeast Asia

Page last updated: September 25, 2023



INTRODUCTION

Background

Modern-day Laos has its roots in the ancient Lao kingdom of Lan Xang, established in the 14th century under King FA NGUM. For 300 years Lan Xang had influence reaching into present-day Cambodia and Thailand, as well as over all of what is now Laos. After centuries of gradual decline, Laos came under the domination of Siam (Thailand) from the late 18th century until the late 19th century, when it became part of French Indochina. The Franco-Siamese Treaty of 1907 defined the current Lao border with Thailand. In 1975, the communist Pathet Lao took control of the government, ending a six-century-old monarchy and instituting a strict socialist regime closely aligned to Vietnam. A gradual, limited return to private enterprise and the liberalization of foreign investment laws began in 1988. Laos became a member of ASEAN in 1997 and the WTO in 2013.

In the 2010s, the country benefited from direct foreign investment, particularly in the natural resource and industry sectors. Construction of a number of large hydropower dams and expanding mining activities have also boosted the economy. Laos has retained its official commitment to communism and maintains close ties with its two communist neighbors, Vietnam and China, both of which continue to exert substantial political and economic influence on the country. China, for example, provided 70% of the funding for a \$5.9 billion, 400-km railway line between the Chinese border and the capital Vientiane, which opened for operations in December 2021. Laos financed the remaining 30% with loans from China. At the same time, Laos has expanded its economic reliance on the West and other Asian countries, such as Japan, Malaysia, Singapore, Taiwan, and Thailand. In 2023, Lao households faced the highest inflation in almost a quarter century, with year-on-year inflation reaching 40% early in the year.

GEOGRAPHY

Location

Southeastern Asia, northeast of Thailand, west of Vietnam

Geographic coordinates

18 00 N, 105 00 E

Map references

Southeast Asia

Area

total: 236,800 sq km

land: 230,800 sq km

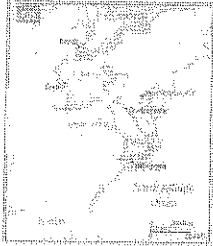
water: 6,000 sq km

comparison ranking: total 84

Area - comparative

about twice the size of Pennsylvania; slightly larger than Utah

Area comparison map:



Land boundaries

total: 5,274 km

border countries (5): Burma 238 km; Cambodia 555 km; China 475 km; Thailand 1,845 km; Vietnam 2,161 km

Coastline

0 km (landlocked)

Maritime claims

none (landlocked)

Climate

tropical monsoon; rainy season (May to November); dry season (December to April)

Terrain

mostly rugged mountains; some plains and plateaus

Elevation

highest point: Phu Bia 2,817 m

lowest point: Mekong River 70 m

mean elevation: 710 m

Natural resources

timber, hydropower, gypsum, tin, gold, gemstones

Land use

agricultural land: 10.6% (2018 est.)

arable land: 6.2% (2018 est.)

permanent crops: 0.7% (2018 est.)

permanent pasture: 3.7% (2018 est.)

forest: 67.9% (2018 est.)

other: 21.5% (2018 est.)

Irrigated land

4,409 sq km (2020)

Major rivers (by length in km)

Mènam Khong (Mekong) (shared with China [s], Burma, Thailand, Cambodia, and Vietnam [m]) - 4,350 km **note** – [s] after country name indicates river source; [m] after country name indicates river mouth

Major watersheds (area sq km)

Pacific Ocean drainage: Mekong (805,604 sq km)

Population distribution

most densely populated area is in and around the capital city of Vientiane; large communities are primarily found along the Mekong River along the southwestern border; overall density is considered one of the lowest in Southeast Asia

Natural hazards

floods, droughts

Geography - note

landlocked; most of the country is mountainous and thickly forested; the Mekong River forms a large part of the western boundary with Thailand

PEOPLE AND SOCIETY**Population**

7,852,377 (2023 est.)

comparison ranking: 103

Nationality

noun: Lao(s) or Laotian(s)

adjective: Lao or Laotian

Ethnic groups

Lao 53.2%, Khmou 11%, Hmong 9.2%, Phouthay 3.4%, Tai 3.1%, Makong 2.5%, Katong 2.2%, Lue 2%, Akha 1.8%, other 11.6% (2015 est.)

note: the Laos Government officially recognizes 49 ethnic groups, but the total number of ethnic groups is estimated to be well over 200

Languages

Lao (official), French, English, various ethnic languages

major-language sample(s):

ແຫລ່ງທີ່ຂາດບໍ່ໄດ້ອ້າວັບຂໍ້ມູນຕົ້ນຕໍ" (Lao)

The World Factbook, the indispensable source for basic information.

Lao audio sample:**Religions**

Buddhist 64.7%, Christian 1.7%, none 31.4%, other/not stated 2.1% (2015 est.)

Demographic profile

Laos is a predominantly rural country with a youthful population – almost 55% of the population is under the age of 25. Its progress on health and development issues has been uneven geographically, among ethnic groups, and socioeconomically. Laos has made headway in poverty reduction, with the poverty rate almost halving from 46% in 1992/93 to 22% in 2012/13. Nevertheless, pronounced rural-urban disparities persist, and income inequality is rising. Poverty most affects populations in rural and highland areas, particularly ethnic minority groups.

The total fertility rate (TFR) has decreased markedly from around 6 births per woman on average in 1990 to approximately 2.8 in 2016, but it is still one of the highest in Southeast Asia. TFR is higher in rural and remote areas, among ethnic minority groups, the less-educated, and the poor; it is lower in urban areas and among the more educated and those with higher incomes. Although Laos' mortality rates have improved substantially over the last few decades, the maternal mortality rate and childhood malnutrition remain at high levels. As fertility and mortality rates continue to decline, the proportion of Laos' working-age population will increase, and its share of dependents will shrink. The age structure shift will provide Laos with the potential to realize a demographic dividend during

the next few decades, if it can improve educational access and quality and gainfully employ its growing working-age population in productive sectors. Currently, Laos primary school enrollment is nearly universal, but the drop-out rate remains problematic. Secondary school enrollment has also increased but remains low, especially for girls.

Laos has historically been a country of emigration and internal displacement due to conflict and a weak economy. The Laos civil war (1953 – 1975) mainly caused internal displacement (numbering in the hundreds of thousands). Following the end of the Vietnam War in 1975, indigenous people in remote, war-struck areas were resettled and more than 300,000 people fled to Thailand to escape the communist regime that took power. The majority of those who sought refuge in Thailand ultimately were resettled in the US (mainly Hmong who fought with US forces), and lesser numbers went to France, Canada, and Australia.

The Laos Government carried out resettlement programs between the mid-1980s and mid-1990s to relocate ethnic minority groups from the rural northern highlands to development areas in the lowlands ostensibly to alleviate poverty, make basic services more accessible, eliminate slash-and-burn agriculture and opium production, integrate ethnic minorities, and control rebel groups (including Hmong insurgents). For many, however, resettlement has exacerbated poverty, led to the loss of livelihoods, and increased food insecurity and mortality rates. As the resettlement programs started to wane in the second half of the 1990s, migration from the northern highlands to urban centers – chiefly the capital Vientiane – to pursue better jobs in the growing manufacturing and service sectors became the main type of relocation. Migration of villagers from the south seeking work in neighboring Thailand also increased. Thailand is the main international migration destination for Laotians because of the greater availability of jobs and higher pay than at home; nearly a million Laotian migrants were estimated to live in Thailand as of 2015.

Age structure

0-14 years: 30.63% (male 1,218,731/female 1,186,156)

15-64 years: 64.73% (male 2,527,643/female 2,555,029)

65 years and over: 4.65% (2023 est.) (male 169,142/female 195,676)

2023 population pyramid:



Dependency ratios

total dependency ratio: 54.7

youth dependency ratio: 48

elderly dependency ratio: 6.7

potential support ratio: 14.8 (2021 est.)

Median age

total: 24 years

male: 23.7 years

female: 24.4 years (2020 est.)

comparison ranking: total 171

Population growth rate

1.3% (2023 est.)

comparison ranking: 71

Birth rate

20.35 births/1,000 population (2023 est.)

comparison ranking: 67

Death rate

6.26 deaths/1,000 population (2023 est.)

comparison ranking: 145

Net migration rate

-1.09 migrant(s)/1,000 population (2023 est.)

comparison ranking: 150

Population distribution

most densely populated area is in and around the capital city of Vientiane; large communities are primarily found along the Mekong River along the southwestern border; overall density is considered one of the lowest in Southeast Asia

Urbanization

urban population: 38.2% of total population (2023)

rate of urbanization: 2.99% annual rate of change (2020-25 est.)

Major urban areas - population

721,000 VIENTIANE (capital) (2023)

Sex ratio

at birth: 1.04 male(s)/female

0-14 years: 1.03 male(s)/female

15-64 years: 0.99 male(s)/female

65 years and over: 0.86 male(s)/female

total population: 0.99 male(s)/female (2023 est.)

Maternal mortality ratio

126 deaths/100,000 live births (2020 est.)

comparison ranking: 60

Infant mortality rate

total: 36.56 deaths/1,000 live births

male: 40.38 deaths/1,000 live births

female: 32.59 deaths/1,000 live births (2023 est.)

comparison ranking: total 37

Life expectancy at birth

total population: 68.59 years

male: 66.95 years

female: 70.31 years (2023 est.)

comparison ranking: total population 183

Total fertility rate

2.3 children born/woman (2023 est.)

comparison ranking: 76

Gross reproduction rate

1.13 (2023 est.)

Contraceptive prevalence rate

54.1% (2017)

Drinking water source

improved: urban: 97.1% of population

rural: 84.1% of population

total: 88.8% of population

unimproved: urban: 2.9% of population

rural: 15.9% of population

total: 11.2% of population (2020 est.)

Current health expenditure

2.7% of GDP (2020)

Physicians density

0.35 physicians/1,000 population (2020)

Hospital bed density

1.5 beds/1,000 population (2012)

Sanitation facility access

improved: urban: 100% of population

rural: 72% of population

total: 82.2% of population

unimproved: urban: 0% of population

rural: 28% of population

total: 17.8% of population (2020 est.)

Major infectious diseases

degree of risk: very high (2023)

food or waterborne diseases: bacterial and protozoal diarrhea, hepatitis A, and typhoid fever

vectorborne diseases: dengue fever and malaria

Obesity - adult prevalence rate

5.3% (2016)

comparison ranking: 179

Alcohol consumption per capita

total: 8.15 liters of pure alcohol (2019 est.)

beer: 3.62 liters of pure alcohol (2019 est.)

wine: 0.07 liters of pure alcohol (2019 est.)

spirits: 4.46 liters of pure alcohol (2019 est.)

other alcohols: 0 liters of pure alcohol (2019 est.)

comparison ranking: total 42

Tobacco use

total: 31.8% (2020 est.)

male: 53.3% (2020 est.)

female: 10.3% (2020 est.)

comparison ranking: total 21

Children under the age of 5 years underweight

21.1% (2017)

comparison ranking: 18

Currently married women (ages 15-49)

60.1% (2023 est.)

Child marriage

women married by age 15: 7.1%

women married by age 18: 32.7%

men married by age 18: 10.8% (2017 est.)

Education expenditures

2.3% of GDP (2020 est.)

comparison ranking: 179

Literacy

definition: age 15 and over can read and write

total population: 87.1%

male: 91.4%

female: 81.4% (2021)

School life expectancy (primary to tertiary education)

total: 10 years

male: 10 years

female: 10 years (2020)

Youth unemployment rate (ages 15-24)

total: 3.3%

male: 3.4%

female: 3.2% (2021 est.)

comparison ranking: total 196

ENVIRONMENT

Environment - current issues

unexploded ordnance; deforestation; soil erosion; loss of biodiversity; water pollution, most of the population does not have access to potable water

Environment - international agreements

party to: Biodiversity, Climate Change, Climate Change-Kyoto Protocol, Climate Change-Paris Agreement, Comprehensive Nuclear Test Ban, Desertification, Endangered Species, Environmental Modification, Hazardous Wastes, Law of the Sea, Nuclear Test Ban, Ozone Layer Protection, Wetlands, Whaling

signed, but not ratified: none of the selected agreements

Climate

tropical monsoon; rainy season (May to November); dry season (December to April)

Land use

agricultural land: 10.6% (2018 est.)

arable land: 6.2% (2018 est.)

permanent crops: 0.7% (2018 est.)

permanent pasture: 3.7% (2018 est.)

forest: 67.9% (2018 est.)

other: 21.5% (2018 est.)

Urbanization

urban population: 38.2% of total population (2023)

rate of urbanization: 2.99% annual rate of change (2020-25 est.)

Revenue from forest resources

1.48% of GDP (2018 est.)

comparison ranking: 44

Air pollutants

particulate matter emissions: 24.49 micrograms per cubic meter (2016 est.)

carbon dioxide emissions: 17.76 megatons (2016 est.)

methane emissions: 9 megatons (2020 est.)

Waste and recycling

municipal solid waste generated annually: 351,900 tons (2015 est.)

municipal solid waste recycled annually: 35,190 tons (2015 est.)

percent of municipal solid waste recycled: 10% (2015 est.)

Major rivers (by length in km)

Mènam Khong (Mekong) (shared with China [s], Burma, Thailand, Cambodia, and Vietnam [m]) - 4,350 km **note** — [s] after country name indicates river source; [m] after country name indicates river mouth

Major watersheds (area sq km)

Pacific Ocean drainage: Mekong (805,604 sq km)

Total water withdrawal

municipal: 130 million cubic meters (2020 est.)

industrial: 170 million cubic meters (2020 est.)

agricultural: 7.05 billion cubic meters (2020 est.)

Total renewable water resources

333.5 billion cubic meters (2020 est.)

GOVERNMENT

Country name

conventional long form: Lao People's Democratic Republic

conventional short form: Laos

local long form: Sathalanalat Paxathipatai Paxaxon Lao

local short form: Mueang Lao (unofficial)

abbreviation: Lao PDR

etymology: name means "Land of the Lao [people]"

Government type

communist state

Capital

name: Vientiane (Viangchan)

geographic coordinates: 17 58 N, 102 36 E

time difference: UTC+7 (12 hours ahead of Washington, DC, during Standard Time)

etymology: the meaning in Pali, a Buddhist liturgical language, is "city of sandalwood"

Administrative divisions

17 provinces (khoueng, singular and plural) and 1 prefecture* (kampheng nakhon); Attapu, Bokeo, Bolikhamxai, Champasak, Houaphan, Khammouan, Louangnamtha, Louangphabang (Luang Prabang), Oudomxai, Phongsali, Salavan, Savannakhet, Viangchan (Vientiane)*, Viangchan, Xaignabouli, Xaisomboun, Xekong, Xiangkhouang

Independence

19 July 1949 (from France by the Franco-Lao General Convention); 22 October 1953 (Franco-Lao Treaty recognizes full independence)

National holiday

Republic Day (National Day), 2 December (1975)

Constitution

history: previous 1947 (preindependence); latest promulgated 13-15 August 1991

amendments: proposed by the National Assembly; passage requires at least two-thirds majority vote of the Assembly membership and promulgation by the president of the republic; amended 2003, 2015

Legal system

civil law system similar in form to the French system

International law organization participation

has not submitted an ICJ jurisdiction declaration; non-party state to the ICCt

Citizenship

citizenship by birth: no

citizenship by descent only: at least one parent must be a citizen of Laos

dual citizenship recognized: no

residency requirement for naturalization: 10 years

Suffrage

18 years of age; universal

Executive branch

chief of state: President THONGLOUN Sisoulith (since 22 March 2021); Vice Presidents PANI Yathotou and BOUNTHONG Chitmani (since 22 March 2021)

head of government: Prime Minister SONXAI Siphandon (since 30 December 2022)

cabinet: Council of Ministers appointed by the president, approved by the National Assembly

elections/appointments: president and vice president indirectly elected by the National Assembly for a 5-year term (no term limits); election last held on 22 March 2021 (next to be held in March 2026); prime minister nominated by the president, elected by the National Assembly for 5-year term

election results:

2021: THONGLOUN Sisoulith elected president; National Assembly vote - THONGLOUN Sisoulith (LPRP) 161-1; PANI Yathotou and BOUNTHONG Chhimhant (LPRP) elected vice presidents; National Assembly vote - NA; PHANKHAM Viphavan (LPRP) elected prime minister; National Assembly vote - 158-3

2016: BOUNNYANG Vorachit (LPRP) elected president; PHANKHAM Viphavan (LPRP) elected vice president; percent of National Assembly vote - NA; THONGLOUN Sisoulith (LPRP) elected prime minister; percent of National Assembly vote - NA

Legislative branch

description: unicameral National Assembly or Sapha Heng Xat (164 seats; members directly elected in multi-seat constituencies by simple majority vote from candidate lists provided by the Lao People's Revolutionary Party; members serve 5-year terms)

elections: last held on 21 February 2021 (next to be held in 2026)

election results: percent of vote by party - NA; seats by party - LPRP 158, independent 6; composition - men 128, women 36, percent of women 21.9%

Judicial branch

highest court(s): People's Supreme Court (consists of the court president and organized into criminal, civil, administrative, commercial, family, and juvenile chambers, each with a vice president and several judges)

judge selection and term of office: president of People's Supreme Court appointed by the National Assembly upon the recommendation of the president of the republic for a 5-year term; vice presidents of the People's Supreme Court appointed by the president of the republic upon the recommendation of the National Assembly; appointment of chamber judges NA; tenure of court vice presidents and chamber judges NA

subordinate courts: appellate courts; provincial, municipal, district, and military courts

Political parties and leaders

Lao People's Revolutionary Party or LPRP [THONGLOUN Sisoulit]

note: other parties proscribed

International organization participation

ADB, ARF, ASEAN, CP, EAS, FAO, G-77, IAEA, IBRD, ICAO, ICRM, IDA, IFAD, IFC, IFRCS, ILO, IMF, Interpol, IOC, IPU, ISO (subscriber), ITU, MIGA, NAM, OIF, OPCW, PCA, UN, UNCTAD, UNESCO, UNIDO, UNWTO, UPU, WCO, WFTU (NGOs), WHO, WIPO, WMO, WTO

Diplomatic representation in the US

chief of mission: Ambassador Sisavath INPHACHANH (since 7 June 2022)

chancery: 2222 S Street NW, Washington, DC 20008

telephone: [1] (202) 332-6416

FAX: [1] (202) 332-4923

email address and website:
embasslao@gmail.com

<https://laoembassy.com/>

consulate(s): New York

Diplomatic representation from the US

chief of mission: Ambassador Peter HAYMOND (since 7 February 2020)

embassy: Ban Somvang Tai, Thadeua Road, Km 9, Hatsayfong District, Vientiane

mailing address: 4350 Vientiane Place, Washington DC 20521-4350

telephone: [856] 21-48-7000

FAX: [856] 21-48-7040

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email address and website:

CONSLAO@state.gov

<https://la.usembassy.gov/>**Flag description**

three horizontal bands of red (top), blue (double width), and red with a large white disk centered in the blue band; the red bands recall the blood shed for liberation; the blue band represents the Mekong River and prosperity; the white disk symbolizes the full moon against the Mekong River, but also signifies the unity of the people under the Lao People's Revolutionary Party, as well as the country's bright future

National symbol(s)

elephant; national colors: red, white, blue

National anthem**name:** "Pheng Xat Lao" (Hymn of the Lao People)**lyrics/music:** SISANA Sisane/THONGDY Sounthonevichit

note: music adopted 1945, lyrics adopted 1975; the anthem's lyrics were changed following the 1975 Communist revolution that overthrew the monarchy

National heritage**total World Heritage Sites:** 3 (all cultural)

selected World Heritage Site locales: Town of Luangphrabang; Vat Phou and Associated Ancient Settlements; Megalithic Jar Sites in Xiengkhuang - Plain of Jars

ECONOMY**Economic overview**

lower middle-income, socialist Southeast Asian economy; one of the fastest growing economies; declining but still high poverty; natural resource rich; new anticorruption efforts; already high and growing public debt; service sector hit hard by COVID-19

Real GDP (purchasing power parity)

\$58.264 billion (2021 est.)

\$56.827 billion (2020 est.)

\$56.543 billion (2019 est.)

note: data are in 2017 dollars

comparison ranking: 108

Real GDP growth rate

2.53% (2021 est.)

0.5% (2020 est.)

5.46% (2019 est.)

comparison ranking: 154

Real GDP per capita

\$7,800 (2021 est.)

\$7,800 (2020 est.)

\$7,800 (2019 est.)

note: data are in 2017 dollars

comparison ranking: 156

GDP (official exchange rate)

\$16.97 billion (2017 est.)

Inflation rate (consumer prices)

3.76% (2021 est.)

5.1% (2020 est.)

3.32% (2019 est.)

comparison ranking: 101

Credit ratings**Fitch rating:** CCC (2020)**Moody's rating:** Caa2 (2020)**note:** The year refers to the year in which the current credit rating was first obtained.**GDP - composition, by sector of origin****agriculture:** 20.9% (2017 est.)**industry:** 33.2% (2017 est.)**services:** 45.9% (2017 est.)

comparison rankings: services 195; industry 56; agriculture 44

GDP - composition, by end use**household consumption:** 63.7% (2017 est.)**government consumption:** 14.1% (2017 est.)**investment in fixed capital:** 30.9% (2017 est.)**investment in inventories:** 3.1% (2017 est.)**exports of goods and services:** 34.6% (2017 est.)**imports of goods and services:** -43.2% (2017 est.)**Agricultural products**

rice, roots/tubers nes, cassava, sugar cane, vegetables, bananas, maize, watermelons, coffee, taro

Industries

mining (copper, tin, gold, gypsum); timber, electric power, agricultural processing, rubber, construction, garments, cement, tourism

Industrial production growth rate

7.61% (2021 est.)

comparison ranking: 56

Labor force

3.915 million (2021 est.)

comparison ranking: 97

Labor force - by occupation**agriculture:** 73.1%**industry:** 6.1%**services:** 20.6% (2012 est.)**Unemployment rate**

1.26% (2021 est.)

1.03% (2020 est.)

0.85% (2019 est.)

comparison ranking: 221

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Youth unemployment rate (ages 15-24)**total:** 3.3%**male:** 3.4%**female:** 3.2% (2021 est.)

comparison ranking: total 196

Population below poverty line

18.3% (2018 est.)

Gini Index coefficient - distribution of family income

38.8 (2018 est.)

comparison ranking: 64

Average household expenditures**on food:** 50% of household expenditures (2018 est.)**on alcohol and tobacco:** 10.5% of household expenditures (2018 est.)**Household income or consumption by percentage share****lowest 10%:** 3.3%**highest 10%:** 30.3% (2008)**Budget****revenues:** \$2.896 billion (2019 est.)**expenditures:** \$3.839 billion (2019 est.)**Budget surplus (+) or deficit (-)**

-5.5% (of GDP) (2017 est.)

comparison ranking: 173

Public debt

63.6% of GDP (2017 est.)

58.4% of GDP (2016 est.)

comparison ranking: 72

Taxes and other revenues

18.3% (of GDP) (2017 est.)

comparison ranking: 108

Fiscal year

1 October - 30 September

Current account balance

\$446.572 million (2021 est.)

-\$230.973 million (2020 est.)

-\$1.32 billion (2019 est.)

comparison ranking: 59

Exports

\$7.82 billion (2021 est.) note: data are in current year dollars

\$6.461 billion (2020 est.) note: data are in current year dollars

\$6.985 billion (2019 est.)

comparison ranking: 117

Exports - partners

Thailand 36%, China 28%, Vietnam 16% (2019)

Exports - commodities

electricity, gold, paper, copper, rubber, flavored water (2021)

Imports

\$6.527 billion (2021 est.) note: data are in current year dollars

\$5.816 billion (2020 est.) note: data are in current year dollars

\$7.518 billion (2019 est.)

comparison ranking: 130

Imports - partners

Thailand 53%, China 26%, Vietnam 10% (2019)

Imports - commodities

refined petroleum, cars, cattle, iron structures, steel products (2019)

Reserves of foreign exchange and gold

\$1.476 billion (31 December 2021 est.)

\$1.393 billion (31 December 2020 est.)

\$1.111 billion (31 December 2019 est.)

comparison ranking: 139

Debt - external

\$14.9 billion (31 December 2017 est.)

\$12.9 billion (31 December 2016 est.)

comparison ranking: 103

Exchange rates

kips (LAK) per US dollar -

Exchange rates:

9,697.916 (2021 est.)

9,045.788 (2020 est.)

8,679.409 (2019 est.)

8,401.335 (2018 est.)

8,244.843 (2017 est.)

ENERGY**Electricity access**

electrification - total population: 100% (2021)

Electricity

installed generating capacity: 9.346 million kW (2020 est.)

consumption: 5,108,640,000 kWh (2019 est.)

exports: 24.114 billion kWh (2019 est.)

imports: 1.345 billion kWh (2019 est.)

transmission/distribution losses: 2.262 billion kWh (2019 est.)

comparison rankings: installed generating capacity 68; transmission/distribution losses 81; imports 67; exports 8; consumption 124

Electricity generation sources

fossil fuels: 35.6% of total installed capacity (2020 est.)

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nuclear: 0% of total installed capacity (2020 est.)

solar: 0.1% of total installed capacity (2020 est.)

wind: 0% of total installed capacity (2020 est.)

hydroelectricity: 64.1% of total installed capacity (2020 est.)

tide and wave: 0% of total installed capacity (2020 est.)

geothermal: 0% of total installed capacity (2020 est.)

biomass and waste: 0.2% of total installed capacity (2020 est.)

Coal

production: 16.04 million metric tons (2020 est.)

consumption: 15.823 million metric tons (2020 est.)

exports: 235,000 metric tons (2020 est.)

imports: 18,000 metric tons (2020 est.)

proven reserves: 503 million metric tons (2019 est.)

Petroleum

total petroleum production: 0 bbl/day (2021 est.)

refined petroleum consumption: 19,300 bbl/day (2019 est.)

crude oil and lease condensate exports: 0 bbl/day (2018 est.)

crude oil and lease condensate imports: 0 bbl/day (2018 est.)

crude oil estimated reserves: 0 barrels (2021 est.)

Refined petroleum products - production

0 bbl/day (2015 est.)

comparison ranking: 111

Refined petroleum products - exports

0 bbl/day (2015 est.)

comparison ranking: 166

Refined petroleum products - imports

17,460 bbl/day (2015 est.)

comparison ranking: 131

Natural gas

production: 0 cubic meters (2021 est.)

consumption: 0 cubic meters (2021 est.)

exports: 0 cubic meters (2021 est.)

imports: 0 cubic meters (2021 est.)

proven reserves: 0 cubic meters (2021 est.)

Carbon dioxide emissions

40.726 million metric tonnes of CO2 (2019 est.)

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from coal and metallurgical coke: 37.871 million metric tonnes of CO2 (2019 est.)**from petroleum and other liquids:** 2.855 million metric tonnes of CO2 (2019 est.)**from consumed natural gas:** 0 metric tonnes of CO2 (2019 est.)

comparison ranking: total emissions 63

Energy consumption per capita

73.187 million Btu/person (2019 est.)

comparison ranking: 81

COMMUNICATIONS**Telephones - fixed lines****total subscriptions:** 1,300,195 (2021 est.)**subscriptions per 100 inhabitants:** 18 (2021 est.)

comparison ranking: total subscriptions 64

Telephones - mobile cellular**total subscriptions:** 4,822,973 (2021 est.)**subscriptions per 100 inhabitants:** 65 (2021 est.)

comparison ranking: total subscriptions 124

Telecommunication systems

general assessment: Laos joined the World Trade Organization (WTO) in 2013; one of the conditions of admittance was to establish an independent regulator for its telecom sector within two years; the government had committed to do so by February 2015 as part of the accession agreement; there still has been no sign of any firm plans being made to create an independent regulatory body; the Ministry of Technology and Communications retains the primary role in regulating the country's telecom market; with the government also having a financial stake (in part or in whole) in every one of the major fixed-line and mobile operators, the MPT's position and decision-making is far from what could be considered independent; sufficient returns on investment cannot be guaranteed with such strict pricing controls as well as the potential for political interference; fixed-line and mobile penetration levels have, as a result, remained much lower than what's seen in neighboring South East Asian markets; there are signs of growth in the mobile broadband segment as LTE network coverage slowly widens and, more recently, the country's first 5G services start to come on stream; residents in the capital will at least be able to enjoy high-speed services in the near future, while the rest of the country waits patiently to catch up with the rest of the world. (2022)

domestic: fixed-line nearly 18 per 100 and 65 per 100 for mobile-cellular subscriptions (2021)**international:** country code - 856; satellite earth station - 1 Intersputnik (Indian Ocean region) and a second to be developed by China**Broadcast media**

6 TV stations operating out of Vientiane - 3 government-operated and the others commercial; 17 provincial stations operating with nearly all programming relayed via satellite from the government-operated stations in Vientiane; Chinese and Vietnamese programming relayed via satellite from Lao National TV; broadcasts available from stations in Thailand and Vietnam in border areas; multi-channel satellite and cable TV systems provide access to a wide range of foreign stations; state-controlled radio with state-operated Lao National Radio (LNR) broadcasting on 5 frequencies - 1 AM, 1 SW, and 3 FM; LNR's AM and FM programs are relayed via satellite constituting a large part of the programming schedules of the provincial radio stations; Thai radio broadcasts available in border areas and transmissions of multiple international broadcasters are also accessible

Internet country code

.la

Internet users

total: 4.588 million (2021 est.)

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percent of population: 62% (2021 est.)

comparison ranking: total 102

Broadband - fixed subscriptions

total: 128,000 (2020 est.)

subscriptions per 100 inhabitants: 2 (2020 est.)

comparison ranking: total 126

TRANSPORTATION

National air transport system

number of registered air carriers: 1 (2020)

inventory of registered aircraft operated by air carriers: 12

annual passenger traffic on registered air carriers: 1,251,961 (2018)

annual freight traffic on registered air carriers: 1.53 million (2018) mt-km

Civil aircraft registration country code prefix

RDPL

Airports

41 (2021)

comparison ranking: total 104

Airports - with paved runways

8

note: paved runways have a concrete or asphalt surface but not all have facilities for refueling, maintenance, or air traffic control; the length of a runway required for aircraft to safely operate depends on a number of factors including the type of aircraft, the takeoff weight (including passengers, cargo, and fuel), engine types, flap settings, landing speed, elevation of the airport, and average maximum daily air temperature; paved runways can reach a length of 5,000 m (16,000 ft.), but the "typical" length of a commercial airline runway is between 2,500-4,000 m (8,000-13,000 ft.)

Airports - with unpaved runways

33

note: unpaved runways have a surface composition such as grass or packed earth and are most suited to the operation of light aircraft; unpaved runways are usually short, often less than 1,000 m (3,280 ft.) in length; airports with unpaved runways often lack facilities for refueling, maintenance, or air traffic control

Pipelines

540 km refined products (2013)

Railways

total: 422 km (2023)

standard gauge: 422 km (2023) 1.435-m gauge (422 km overhead electrification)

comparison ranking: total 120

Roadways

total: 39,586 km (2009)

paved: 5,415 km (2009)

unpaved: 34,171 km (2009)

comparison ranking: total 89

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Waterways

4,600 km (2012) (primarily on the Mekong River and its tributaries; 2,900 additional km are intermittently navigable by craft drawing less than 0.5 m)

comparison ranking: 26

Merchant marine

total: 1

by type: general cargo 1 (2022)

comparison ranking: total 184

MILITARY AND SECURITY**Military and security forces**

Lao People's Armed Forces (LPAF): Lao People's Army (LPA, includes Riverine Force), Air Force, Self-Defense Militia Forces (2023)

note: the Ministry of Public Security maintains internal security and is responsible for law enforcement; it oversees local, traffic, immigration, and security police, village police auxiliaries, and other armed police units

Military expenditures

0.2% of GDP (2019 est.)

0.2% of GDP (2018 est.)

0.2% of GDP (2017 est.)

0.2% of GDP (2016 est.)

0.2% of GDP (2015 est.)

comparison ranking: 166

Military and security service personnel strengths

limited and varied information; estimated 30,000 active-duty troops (26,000 Army; 4,000 Air Force) (2023)

Military equipment inventories and acquisitions

the LPAF is armed largely with Soviet-era weapons; in recent years, China and Russia have been the leading suppliers of military equipment to Laos (2023)

Military service age and obligation

18 years of age for compulsory or voluntary military service; minimum 18-month service obligation (2023)

Military - note

the LPAF's primary missions are border and internal security, including counterinsurgency and counterterrorism; the Army is organized into a few small divisions and independent regiments deployed around the country in four military regions; the Army is supported by a self-defense militia, which is estimated to be 100,000 strong; the small Air Force does not have any combat aircraft

Vietnam is the military's primary security partner, although in recent years, Laos has expanded defense ties with China and Russia (2023)

TRANSNATIONAL ISSUES**Disputes - international**

Laos-Burma: none identified

Laos-Cambodia: in 2021, the two countries agreed to increase efforts to combat drug trafficking and other transnational crimes and to complete the last 14% of their border demarcation

Laos-Cambodia-Vietnam: Cambodia and Vietnam are concerned about Laos' extensive plans for upstream dam construction and the potential harm it poses to fisheries and farming downstream

Laos-China: concern among Mekong River Commission members that China's construction of eight dams on the Upper Mekong River and construction of more dams on its tributaries will affect water levels, sediment flows, and fisheries

Laos-Thailand: talks continue as of 2018 on completion of demarcation with Thailand but disputes remain over islands in the Mekong River

Laos-Vietnam: Laos and Vietnam completed border demarcation in 2016

Illicit drugs

Laos remains a key transit route for drug trafficking and the movement of precursor chemicals; opium produced is typically smuggled out of the country and refined elsewhere and not trafficked in significant quantities to the United States

All Foreign Governments

Laos

Leaders and Cabinet Members

Last Updated: 2/2/2023

Lao officials are addressed by the first element in their names.

Pres.

THONGLOUN Sisoulit

Vice Pres.

PANI Yathotou

Vice Pres.

BOUNTHONG Chitmani

Prime Min.

SONXAI Siphandon

Dep. Prime Min.

CHANSAMON Chan-gnalat, *Gen.*

KIKEO Khaikhamphithoun

Dep. Prime Min.

VILAI Lakhamfong

Dep. Prime Min.

SALEUMXAI Kommasit

Min. of Agriculture & Forestry

PHET Phomphiphak

Min. of Education & Sports

PHOUT Simmalavong

Min. of Energy & Mining

PHOXAI Xai-gnason

Min. of Finance

SANTIPHAP Phomvihan

Min. of Foreign Affairs

SALEUMXAI Kommasit

Min. of Home Affairs

THONGCHAN Manixai

Min. of Industry & Commerce

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MALAITHONG Kommasit

Min. of Information, Culture, & Tourism

SOUANSAVAN Vi-gnaket

Min. of Justice

PHAIVI Siboualipha

Min. of Labor & Social Welfare

BAIKHAM Khatthi-gna

Min. of National DefenseCHANSAMON Chan-gnalat, *Gen.***Min. of Natural Resources & Environment**

BOUNKHAM Volachit

Min. of Planning & Investment

KHAMCHEN Vongphosi

Min. of Public Health

BOUNFENG Phoummalaisit

Min. of Public Security

VILAI Lakhamfong

Min. of Public Works & Transport

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NGAMPASONG Muangmani

Min. of Technology & Communication

BOVIANGKHAM Vongdala

Min. to the Prime Minister's Office & Head, Prime Minister's Office

ALOUNXAI Sounnalat

Min. to Prime Minister's Office

KHAMPHENG Xaisompheng

Min. to Prime Minister's Office

SONXAI Sitphaxai

Min. & Head of Cabinet, President's Office

KHEMMANI Phonsena

Chmn., State Inspection Ctte.

KHAMPHAN Phommathat

Governor, Bank of Laos

BOUNLUA Sinxaivolavong

Ambassador to the US

Permanent Representative to the UN, New York

ANOUPHAP Vongnokeo



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Exhibit B

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UNITED STATES OF AMERICA
AND STEVEN DECKER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NHIA KAO VANG, CHAO XIONG, DAVID)	CASE NO. C 12-1226 MCE-EFB
VANG, CHONG YANG, CHUE HUE VANG,)	
PANG HER,)	FEDERAL DEFENDANT'S RESPONSE TO
Plaintiffs,)	COURT ORDER FOR BRIEFING (DKT. NO. 48)
v.)	
STEVEN DECKER et al,)	
Defendant.)	

I. INTRODUCTION

The Ninth Circuit affirmed this Court’s dismissal with prejudice of all claims and federal defendants in this action except malicious prosecution. *Vang v. Decker*, 607 Fed.Appx. 728 (9th Cir. 2015). Plaintiffs’ case now consists only of a malicious prosecution claim against the United States pursuant to the Federal Tort Claims Act and against Special Agent Steven Decker pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).¹ On August 20, 2015, this Court, pursuant to the Ninth Circuit’s instructions on remand, ordered Defendants to address whether the charges in the underlying criminal prosecution, *United States v. Harrison Jack, et al*, E.D. Cal., Case No. CR 07-266 FCD (“*Jack*”), were withdrawn on the basis of a compromise among the parties or for a cause that was not inconsistent with Plaintiffs’ guilt.² Dkt. No. 48.

As demonstrated in the accompanying declaration of United States Attorney Benjamin B. Wagner (“Wagner Decl.”), despite probable cause and evidence that Nhia Kao Vang, David Vang and Chue Hue Vang (the “Vang Plaintiffs”)³ committed the remaining crimes with which they were charged, the United States dismissed the *Jack* prosecution based on factors unrelated to the merits. Through its rulings and comments, the court revealed a remarkable hostility to the government’s case. See Wagner Decl., ¶ 4. The criminal defendants also alleged agent and prosecutorial misconduct, raising a risk of a negative credibility finding and suppression of evidence. See *id.* at ¶ 5-6. Going forward, the case would require a significant number of personnel, trial would be fiercely contested and any sentences imposed would likely be low. See *id.* at ¶ 7-8. As a result, U.S. Attorney Wagner weighed the costs and benefits of pursuing the case, and determined that no substantial federal interest was served by continued prosecution. See *id.* at ¶ 3, 9. None of these reasons for dismissal, however, are inconsistent with the guilt of the Vang Plaintiffs. Accordingly, Plaintiffs cannot maintain a claim for malicious prosecution.

///

¹ This Court deferred ruling on Agent Decker’s entitlement to qualified immunity. Dkts. No. 32; 38 at 15, n. 5. If necessary, he will raise this issue in a noticed motion.

² On April 8, 2013, this Court took judicial notice of the *Jack* docket. See Dkt. No. 32-2; 38.

³ Plaintiffs Chao Xiong, Chong Yang and Pang Her were never prosecuted in the *Jack* case.

II. ARGUMENT

A. Dismissal of the *Jack* Prosecution Was Not Inconsistent With Guilt

In June, 2007, the United States charged 11 individuals, including the Vang Plaintiffs, with numerous counts arising from an alleged conspiracy to overthrow the government of Laos. Cr. Dkt. No. 3. A First Superseding Indictment was filed in 2009, after which General Vang Pao was dismissed, and a Second Superseding Indictment followed in June, 2010. *Id.* at 460, 464, 578.

In December, 2010, after three years of litigation, U.S. Attorney Wagner recommended dismissal of the *Jack* prosecution to the United States Department of Justice's National Security Division ("NSD") because, given the circumstances, no substantial federal interest would be served by continued prosecution. *See* Declaration of Benjamin B. Wagner ("Wagner Decl."), ¶ 3. U.S. Attorney Wagner made this recommendation, as a discretionary matter, for a combination reasons, including the following. *Id.*

First, the court made a series of adverse rulings, vigorously opposed by the United States, suggesting it was markedly hostile to the government's case. *See* Wagner Decl., ¶ 4. At the same time, the court gave defendants extraordinary leeway in litigating the case. *Id.* During a status conference on February 23, 2009, counsel for the defendants alleged that the government had engaged in outrageous conduct, and asked the court to recommend that the Attorney General review the case. *Id.* at ¶ 4a. The court did so based on the representations of defense counsel alone, and over the government's strenuous objections. *Id.* During oral argument on October 15, 2010, on the question of whether the various charges, as pled, stated claims for relief, the court suggested that the government had "orchestrated" the coup plot. *Id.* at ¶ 4b.

On November 12, 2010, the court dismissed without prejudice over one-half of the government's charging theories. *Id.* at ¶ 4c, Cr. Dkt No. 671. The court held that the Second Superseding Indictment failed "to put each defendant on notice of the nature of charges against him," and further failed to notify each defendant of "the specific conduct he engaged in that allegedly violates the [Neutrality] Act." Cr. Dkt No. 671. The court dismissed three conspiracies charged in Count One (to transfer machine guns, receive/possess destructive devices and export listed defense items), Count Four (conspiracy to transfer explosives) and Count Five (Neutrality Act violation). *Id.* The remaining charges were: Count One

(conspiracy to violate the Neutrality Act), Count Two (conspiracy to commit murder and damage property abroad), and Count Three (conspiracy to receive and possess Stinger missiles). *Id.*

The court also scheduled up to two weeks of evidentiary hearings, commencing in late February, 2011, as to the defendants' motions to: (1) Suppress Fruits of Illegal Wiretaps; (2) Dismiss for Outrageous Government Conduct; (3) Suppress Evidence Obtained Pursuant to Execution of Search Warrants; and (4) Suppress Evidence Gathered as a Result of False Affidavits Supporting Search Warrants. Wagner Decl. at ¶ 4d; *see also* Cr. Dkt. No. 614, 615. The government opposed each motion and strenuously objected to this *Franks* hearing because the criminal defendants failed to make the requisite preliminary showing. *Id.*, *see also* Cr. Dkt. No. 606. The criminal defendants alleged well over one-hundred *Franks* violations as well as outrageous conduct by the undercover agent, other affiants and prosecutors. *Id.* The court granted the defendants' request for an evidentiary hearing on all violations, even though many were unsubstantiated and/or wholly immaterial, and refused the government's repeated requests to limit the hearing to only those claims for which a preliminary *Franks* showing was made. *Id.* The hearings would have required the testimony of several law enforcement personnel, one current and one former prosecutor. *Id.*

Second, the criminal defendants alleged the wiretap, search warrant and complaint affidavits submitted by the undercover agent contained incriminating statements falsely attributed to former defendant General Vang Pao, and failed to disclose certain facts. *See* Wagner Decl., ¶ 5. Although U.S. Attorney Wagner believed the agent acted in good faith, he had never testified in a contested court hearing or trial. *Id.* The upcoming *Franks* hearing raised the possibility that the agent would be subject to vigorous cross-examination regarding his alleged errors, the criminal defendants would suggest he was unreliable among other things, and the court would enter a negative credibility finding, especially given its previous expressed views about the case. *Id.* Because this agent was a critical prosecution witness, such a finding would be damaging beyond its impact on the pretrial motions. *Id.*

Third, the criminal defendants alleged that the prosecutors engaged in misconduct. *See* Wagner Decl. at ¶ 6. Although U.S. Attorney Wagner believed that all personnel acted in good faith, prosecutors and agents inadvertently committed a technical violation of the 60-day search warrant deadline relating to computer searches. *Id.* This inadvertent error created a risk of suppression. *Id.*

Fourth, the United States faced a fiercely contested trial and considerable litigation on evidentiary issues. *See* Wagner Decl. at ¶ 7.

Fifth, even if the United States prevailed, the court was likely to impose minimal sentences. *See* Wagner Decl. at ¶ 8.

Finally, taking all of these factors into consideration. U.S. Attorney Wagner performed a cost/benefit analysis. *See* Wagner Decl. at ¶ 9. The *Jack* prosecution required the dedicated efforts of three AUSAs, including one who was in a supervisory role, two trial attorneys from NSD and a number of agents and translators. *Id.* It would likely continue to require this level of resources for years to come. *Id.* U.S. Attorney Wagner determined that the benefits of further prosecution were outweighed by the costs and risks. *Id.*

On January 10, 2011, the government moved "to dismiss the counts in the indictment, first superseding indictment and second superseding indictment as against all defendants, in the interests of justice." Cr. Dkt No. 687, 688. The court granted the motion on the same day, dismissing all counts and closing the criminal case. *Id.*, *see also* Wagner Decl. at ¶ 10.

B. Plaintiffs Cannot Maintain a Malicious Prosecution Action

Plaintiffs cannot maintain a malicious prosecution action because the *Jack* prosecution was dismissed for reasons not inconsistent with the Vang Plaintiffs' guilt. Under California law, an action for malicious prosecution requires a plaintiff to establish that "the underlying prosecution: (1) was commenced by or at the direction of the defendant and terminated in [the plaintiff's] favor; (2) was brought without probable cause; and (3) was initiated with malice." *Conrad v. United States*, 447 F.3d 760, 767 (9th Cir. 2006) (quoting *Sheldon Appel Co. v. Albert & Oliker*, 47 Cal. 3d 863 (1989)). An action for malicious prosecution under *Bivens* requires the plaintiff to show tortious conduct under the elements of state law, and the intent to deprive the individual of a constitutional right. *Awabdy*, 368 F.3d at 1066.

To establish that the prosecution terminated in his favor, a plaintiff must "generally establish that the prior proceedings terminated in such a manner as to indicate his innocence." *Awabdy*, 368 F.3d at 1068. If, however, a dismissal is based "on technical grounds, for procedural reasons, or for any reason not inconsistent with his guilt, it does not constitute a favorable termination." *Jaffe v. Stone*, 18 Cal.2d

146, 150 (1941). Whether there was a favorable termination is a legal issue for the court to decide. *See Sierra Club Found. v. Graham*, 72 Cal. App. 4th 1135, 1149 (1999).

A dismissal in the interests of justice can be construed as a favorable termination if “it reflects the opinion of the prosecuting party or the court that the action lacked merit or would result in a decision in favor of the defendant.” *Awabdy*, 368 F.3d at 1068. Further,

[w]hen such a dismissal is procured as the result of a motion by the prosecutor and there are allegations that the prior proceedings were instituted as the result of fraudulent conduct, *a malicious prosecution plaintiff is not precluded from maintaining his action unless the defendants can establish that the charges were withdrawn on the basis of a compromise among the parties or for a cause that was not inconsistent with his guilt.*

Id. (emphasis added). The Ninth Circuit held that because Plaintiffs alleged misconduct in the *Jack* case, and the United States dismissed *Jack* “in the interests of justice” instead of refileing the dismissed counts in an amended or superseding indictment, the burden shifted to Defendants “to show that the proceedings did not terminate as a result of Plaintiffs’ innocence.” *Vang*, 607 Fed. Appx. at 729.

As demonstrated by U.S. Attorney Wagner’s declaration, the United States did not dismiss the *Jack* prosecution because the remaining charges against the Vang Plaintiffs lacked merit. The United States had evidence that the Vang Plaintiffs had committed the remaining crimes with which they were charged, and made no compromise to dismiss them. *See* Wagner Decl., ¶ 11, 12. Instead, it ended the prosecution because the costs of pursuing the *Jack* case outweighed the benefits. *Id.* at ¶ 3-9, *see also Deal v. Alegre*, 2006 WL 436144 at *4 (N.D. Cal. Feb. 21, 2006) (a dismissal in the interests of justice was not inconsistent with guilt where an essential witness was unavailable, the accused had served his sentence and had a prior conviction). Accordingly, the dismissal was not inconsistent with the Vang Plaintiffs’ guilt, and as a result, Plaintiffs cannot maintain a malicious prosecution action.

III. CONCLUSION

For the foregoing reasons, Defendants respectfully request that this Court hold that the *Jack* case was dismissed for reasons that were not inconsistent with the Vang Plaintiffs’ guilt.

DATED: September 3, 2015

BRIAN J. STRETCH
United States Attorney

By: /s/ Rebecca A. Falk

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UNITED STATES OF AMERICA
AND STEVEN DECKER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NHIA KAO VANG, CHAO XIONG, DAVID VANG, CHONG YANG, CHUE HUE VANG, PANG HER,)	CASE NO. C 12-1226 MCE-EFB
)	
Plaintiffs,)	DECLARATION OF UNITED STATES
)	ATTORNEY BENJAMIN B. WAGNER IN
v.)	SUPPORT OF FEDERAL DEFENDANTS'
)	RESPONSE TO COURT ORDER FOR BRIEFING
)	(DKT. NO. 48)
STEVEN DECKER et al,)	
)	
Defendants.)	

DECLARATION OF BENJAMIN B. WAGNER

I, Benjamin B. Wagner, pursuant to 28 U.S.C. § 1764, declare and state as follows:

1. I am the United States Attorney for the Eastern District of California. I have served in this position since November 9, 2009. Based on my role as the United States Attorney for the Eastern District of California, and based on my review of certain documents in our office's file regarding *United States v. Harrison Jack, et al*, Eastern District of California, Case No. CR 07-266 FCD ("*Jack*"), I have personal knowledge of the facts stated in this declaration, and if called and sworn as a witness, I could and would testify as set forth herein.

1 2. Although I was in the U.S. Attorney's Office for the Eastern District of California as a
2 supervisory AUSA prior to November 2009, I had no role in the investigation or prosecution of the *Jack*
3 case prior to becoming U.S. Attorney. After becoming U.S. Attorney, I became involved in the
4 oversight of the case.

5 3. In my capacity as the United States Attorney for the Eastern District of California, on or
6 about December 3, 2010, after careful consideration of the case as a whole and consultation with
7 members of the prosecution team and other experienced criminal supervisors in my office, I
8 recommended dismissal of the *Jack* criminal prosecution to the National Security Division ("NSD") of
9 the United States Department of Justice. I made this recommendation because I concluded that no
10 substantial federal interest would be served by continued prosecution. I recommended dismissal, as a
11 discretionary matter, for a combination of reasons, including factual information as well as my mental
12 impressions, conclusions, opinions, and legal theories. Factual information that I considered in my
13 recommendation for dismissal of the *Jack* prosecution includes, but is not limited to, the following.

14 4. First, the district court made a series of adverse rulings, which we vigorously opposed,
15 suggesting that it was markedly hostile to the government's case. At the same time, the district court
16 gave the defense extraordinary leeway in litigating the case.

17 a. During a status conference on February 23, 2009, counsel for the criminal
18 defendants orally alleged that the government had engaged in outrageous conduct, and asked the court to
19 recommend that the Attorney General review the case. The court did so based on the representations of
20 defense counsel alone, and over the government's strenuous objections.

21 b. During oral argument on October 15, 2010, on the legal question of whether the
22 various charges, as pled, stated claims for relief, the court, when questioning government counsel,
23 suggested that the government had "orchestrated" the coup plot.

24 c. On November 12, 2010, the court dismissed over one-half of the government's
25 charging theories. As a result, the operative indictment included three remaining charges: Count One
26 (conspiracy to violate the Neutrality Act), Count Two (conspiracy to commit murder and damage
27 property abroad) and Count Three (conspiracy to receive and possess Stinger missiles).

28 d. The court scheduled up to two weeks of evidentiary hearings, to commence

February 28, 2011, related to defense motions to dismiss and suppress. The criminal defendants alleged well over one-hundred *Franks* violations as well as other outrageous conduct by the undercover agent, other affiants and prosecutors. Although many of the claimed violations were unsubstantiated and/or wholly immaterial, the court granted the defendants' request for an evidentiary hearing on all one-hundred plus purported *Franks* violations and claims of misconduct, and refused the government's repeated requests to limit the hearing to only those claims for which a substantial preliminary *Franks* showing, including materiality, was made. The hearings would require the testimony of several law enforcement personnel and of one current and one former prosecutor.

5. Second, the criminal defendants alleged the wiretap affidavits, search warrant affidavits, and complaint affidavit submitted by the undercover agent contained incriminating statements falsely attributed to former defendant General Vang Pao, and failed to disclose certain facts. Although I believe that the agent acted in good faith, he had never before testified in a contested court hearing or trial. The upcoming *Franks* hearing raised the possibility that the agent would be subjected to vigorous cross-examination regarding his alleged errors, that the criminal defendants would suggest the agent was unreliable among other things, and that the district court would enter a negative credibility finding, particularly given the court's previously expressed views about the case. Because this agent was a critical witness for the prosecution, such a finding would be damaging beyond its impact on the pending pretrial motions.

6. Third, the criminal defendants also alleged that the lead prosecutors engaged in prosecutorial misconduct during the investigation and during bail and discovery hearings. Again, although I believe that all personnel acted in good faith, prosecutors and agents inadvertently committed a technical violation of the 60-day search warrant deadline relating to computer searches, which created a risk of suppression.

7. Fourth, the United States faced a fiercely contested trial against numerous defendants and considerable litigation on evidentiary issues.

8. Fifth, even if the United States prevailed at trial, we concluded that the court was very likely to impose minimal sentences on convicted defendants.

Benjamin Wagner
BENJAMIN B. WAGNER

Exhibit C

CALIFORNIA COURT OF APPEALS
FOR THE NINTH CIRCUIT

NHIA KAO VANG, CHAO XIONG,
DAVID VANG, CHONG YANG,
CHUE HUE VANG, and PANG HER

Case No. 16-15443
US District Court Case No.
2:12-cv-01226-MCE-EFB

Plaintiff,

v.

STEVEN DECKER, B. TODD JONES,
AND THE UNITED STATES OF AMERICA.
Defendants

—

APPELLANTS' OPENING BRIEF

**ON APPEAL FROM FEBRUARY 23, 2016 ORDER OF THE UNITED
STATES DISTRICT COURT, EASTERN DISTRICT OF
CALIFORNIA, HONORABLE MORRISON C. ENGLAND JR.
JUDGE PRESIDING**

—

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Elizabeth Betowski, Esq. (SBN. 245772)
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Appellants Nhia Kao Vang, David Vang, Chue Hue Vang, Pang Her
herewith submit this Appellants' Opening Brief.

**I.
SUMMARY OF PROCEEDINGS ON REMAND**

The Plaintiffs/Appellants assert a Federal Tort Claims Act and *Bivens* complaint against defendants USA and Mr. Stephen Decker, AFTE special agent, and request injunctive relief per *Ex Parte Young*, 209 U.S. 123 (1908) against the Director of the AFTE, defendant B. Todd Jones. This Court previously agreed on plaintiffs’ first appeal that the complaint alleged the required elements of claims based on malicious prosecution of the underlying criminal case brought against plaintiffs.

This Court stated in its decision reversing the previous order granting defendants motion to dismiss per FRCP Rule 12(b)(6) [See CT 45, USCA Judgment, pages 2-4]:

“Our focus here is Plaintiffs’ malicious prosecution claims. We review de novo the dismissal of these claims under Rule 12(b)(6) of the Federal Rules of Civil Procedure. *See Dougherty v. City of Covina*, 654 F.3d 892, 897 (9th Cir. 2011). “To prove a [FTCA] claim of malicious prosecution in California, the plaintiff must prove that the underlying prosecution: ‘(1) was commenced by or at the direction

of the defendant and was pursued to a legal termination in his, plaintiff's, favor; (2) was brought without probable cause; and (3) was initiated with malice.” *Conrad v. United States*, 447 F.3d 760, 767 (9th Cir. 2006) (quoting *Sheldon Appel Co. v. Albert & Olier*, 765 P.2d 498, 501 (Cal. 1989)); see also *Awabdy v. City of Adelanto*, 368 F.3d 1062, 1066 (9th Cir. 2004) (identical in the § 1983 context); *Martin v. Sias*, 88 F.3d 774, 775 (9th Cir. 1996) (applying the same standard in the *Bivens* context, save for the replacement of a state actor with a federal actor). The entire action must terminate in a plaintiff's favor in order for a plaintiff to maintain a claim for malicious prosecution. *Crowley v. Katleman*, 881 P.2d 1083, 1094 (Cal. 1994). The district court concluded that Plaintiffs had not met their burden of showing that the prosecution terminated in their favor. Our precedent forecloses the district court's conclusion.

In order for a plaintiff to prove that the prosecution terminated in his favor,

he “must generally establish that the prior proceedings terminated in such a manner as to indicate his innocence.” *Awabdy*, 368 F.3d at 1068 (citations omitted). “[A] dismissal in the interests of justice

satisfies this requirement if it reflects the opinion of the prosecuting party or the court that the action lacked merit or would result in a decision in favor of the defendant.” *Id.* Further, [w]hen such a dismissal is procured as the result of a motion by the prosecutor and there are allegations that the prior proceedings were instituted as the result of fraudulent conduct, *a malicious prosecution plaintiff is not precluded from maintaining his action unless the defendants can establish that the charges were withdrawn on the basis of a compromise among the parties or for a cause that was not inconsistent with his guilt. Id.* (emphasis added).

Plaintiffs’ complaint plainly alleged misconduct in the underlying criminal matter, namely, that Defendant Decker lied to prosecutors and the grand jury. The district court in that case dismissed a number of the counts in the indictment for failing to put the Vang Plaintiffs on notice of the charges against them. Thereafter, instead of re-filing the dismissed counts in an amended or superseding indictment, the United States filed a motion—that the district court granted—to dismiss the surviving charges “in the interests of justice.”

Plaintiffs/Appellants have the following offer of proof as to their factual innocence: that at all times when they were approached through Special Agent Stephen Decker of AFTE to engage in a military take over of Laos, and were asked to prepare a strategy document known as the POPCORN document, that defendants had stated the military strategy and plan to overtake Laos was part of an official USA military effort, and that participating in such an effort would thereby be 100% legal. The Hmong history is replete with previous requests by the USA to Hmong people to fight secret battles in Laos. See Plaintiffs' Request for discovery, CT 50 (requesting discovery in the form of depositions of Lt. Harrison Jack and AFTE Special Agent Decker, and including in that request an offer of proof of how the testimony of these witnesses would better establish plaintiff's factual innocence of the underlying charges. See also plaintiffs' motion for an initial scheduling conference, which restated this offer of proof, CT 51. And see Reply brief in support of motion, wherein the details of plaintiffs offer of proof were stated, CT 53.

Following remand of this action, the District Court issued an Order requiring the United States Attorneys Office to submit a declaration describing the

reasons they decided to dismiss the remaining half or so of the underlying criminal case.

Plaintiffs attempted to obtain a regular initial scheduling conference, trial setting, and opening of discovery, but the court did not allow it. See plaintiffs' motion for an initial scheduling conference, which restated this offer of proof. CT 51. And see reply brief in support of motion, wherein the details of plaintiffs offer of proof were stated, CT 53.

Plaintiffs submitted opposition papers explaining that the US Attorney's office declaration is a pre text for the real reason: the US Attorney's office knew the defendants in the underlying action were innocent.

Plaintiffs are Hmong advocates for justice for the atrocities being committed against them in Laos, both past and present. The Hmong people paid dearly for their willingness to enroll as soldiers in the United States CIA secret war in Laos. After the United States brokered/strong armed a peace treaty [1972], the USA pulled out of Indo China, including Laos, and left the Hmong to the murderous rapists' communist party who took over. There

was a genocide in Laos caused by the Laos Communist regime, who hunted down Hmong people like animals.

For some reason the USA, through an AFTE special agent Decker, decided to approach the Hmong advocates such as plaintiffs here, and asked them to once again come to the aid of the USA to fight a secret war in Laos. It was a repeat performance of what happened before. And as before, Hmong advocates were willing to assist the USA in any way it requested. The USA requested a document, known as the POPCORN document, to lay out a plan to overthrow the communist regime in Laos. A plan was proposed by Decker to take stinger and other missiles from Iraq and bring them to Thailand for free of charge [zero for transportation, zero for the missiles, zero for all]. The missiles and other weapons would await pick up by Hmong advocates, and snuck into Laos by foot transport. Once in Laos, they would then continue this walk into Vientienne, where they would execute the POPCORN military plan and overthrow the communist regime.

It should be noted that the Hmong team of what later became defendants in the criminal action where largely a group of ordinary people engaged in

Exhibit D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
16-CR-167(SRN)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SENG XIONG,)
)
Defendant.)

DECLARATION OF RECIPIENT OF USA PAYMENT OF SO-CALLED
RESTITUTION

I Cher pao Xiong hereby declares and states under oath and under penalty of perjury as follows:

1. I have personal knowledge of the matters stated in this declaration based on my direct involvement in these matters
2. I recently received a check from the United States government purporting to be restitution as a result of the USA's case against Seng Xiong [United States District Court, District of Minnesota Case No. 16-CR-167(SRN)] from the funds collected by Hmong Tebchaws. I wish to return these funds back to the USA and with Declaration of Recipient instructions to keep all those funds together so that Hmong Tebchaws may use those monies to purchase lands to be arranged for hopefully in Thailand, but somewhere on this Earth that we will then call a Hmong homeland.
3. I am not a victim of any sort in this case. At no time did I believe or ever say that Seng Xiong somehow tricked or defrauded me.
4. I request that the monies be put back into Mr. Xiong's account in his name, and that no further restitution funds be given out to non-victims like me.

I declare under oath and under penalty of perjury that the foregoing is true and correct and that this declaration was signed on March 26 2022 at Fresno CA 93706
Cher pao Xiong

Exhibit E

Name Pao Xiong
Address 7316 Mandy Drive
Sacramento, CA 95823

Phone # (916) 230-5652
Email PXiong2009@gmail.com

U. S. District Court of Minnesota
Financial Services Department
300 S. Fourth Street, Room 202
Minneapolis, MN 55415

October 10, 2022

RE: Restitution Payments USA v. Seng Xiong, case # 16-RC-167

To Whom It May Concern:

I, Pao Xiong, had contributed to Mr. Seng Xiong prior to his arrest in March 2016 in the amount indicated below. While the Court would not return my contribution to Mr. Xiong, I request that it be sent to me so I can do whatever I want with the fund.

Total amount of contribution to Mr. Seng Xiong	\$ <u>1,955.⁰⁰</u> (Receipts attached)
Total amount I have received from the Court/DOJ	\$ <u>560.⁰⁰</u>
The amount of restitution to be sent back to me	\$ <u>1,295.⁰⁰</u>

The information provided here is to the best of my knowledge and is accurate.

Signature 

Date 04/26/2023

Wells Fargo Bank
Transaction Receipt

STORE # 0000362 05

Deposit

Account Number	XXXXXX4810
00300	
Cash In	\$560.00
Number of checks	0
Total Deposited	\$560.00
Less Cash	- \$0.00
Net Deposit Amount	\$560.00

Transaction # 060 0075
03:06PM 01/30/15 Credited: 01/30/15

If you do not have access to a retirement plan at work, an IRA can be a great way to save for retirement.

Thank you, Alejandra

Wells Fargo Bank
Transaction Receipt

Store #0000362 9

Deposit

Account Number	XXXXXX4810
CHK 00300	
Cash In	\$185.00
Total Deposit	\$185.00

Deposit will be available:

Date	Amount
03/02/2015	\$185.00

Transaction # 100 0130
10:32AM 03/02/15
Deposit Credit Date: 03/02/15

Thank you, Motia

Wells Fargo Bank
Transaction Receipt

Store #0000362 8 Deposit

Account Number XXXXXX4810
CHK 00300
Cash In \$185.00
Total Deposit \$185.00

Deposit will be available:
Date Amount
04/02/2015 \$185.00

Transaction # 018 0027
10:59AM 04/02/15
Deposit Credit Date: 04/02/15

Thank you, Marta

Wells Fargo Bank
Transaction Receipt

Store #0000071 13 Deposit

Account Number XXXXXX4810
CHK 00300 \$185.00
Cash In \$185.00
Total Deposit \$185.00

Deposit will be available:
Date Amount
05/05/2015 \$185.00

Transaction # 033 0049
11:05AM 05/05/15
Deposit Credit Date: 05/05/15

Thank you, MELISSA

Wells Fargo Bank
Transaction Receipt

Store #0000071 8 Deposit
Account Number XXXXXX4810
CHK 00300
Cash In \$185.00
Total Deposit \$185.00

Deposit will be available:
Date Amount
06/16/2015 \$185.00

Transaction # 053 0067
11:44AM 06/16/15
Deposit Credit Date: 06/16/15

Thank you, TIEN

Wells Fargo Bank
Transaction Receipt

Store #0000071 11 Deposit
Account Number XXXXXX4810
CHK 00300
Cash In \$185.00
Total Deposit \$185.00

Deposit will be available:
Date Amount
07/07/2015 \$185.00

Transaction # 077 0102
11:56AM 07/07/15
Deposit Credit Date: 07/07/15

Thank you, PHIL

Wells Fargo Bank
Transaction Receipt

Store #0000071 17 Deposit
Account Number XXXXXX4810
CHK 00300
Cash In \$185.00
Total Deposit \$185.00

Deposit will be available:
Date Amount
09/01/2015 \$185.00

Transaction # 089 0106
01:22PM 09/01/15
Deposit Credit Date: 09/01/15

Thank you, SIVASHNI

Wells Fargo Bank
Transaction Receipt

Store #0000071 15 Deposit
Account Number XXXXXX4810
CHK 00300
Cash In \$185.00
Total Deposit \$185.00

Deposit will be available:
Date Amount
09/17/2015 \$185.00

Transaction # 041 0057
11:39AM 09/17/15
Deposit Credit Date: 09/17/15

Thank you, MABEE